

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 3, 2014

beginning at Page 1

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Tuesday
April 14, 2015

Senate called to order by President Michael D. Thibodeau of
Waldo County.

Prayer by Effie McClain, Oakland Sidney United Methodist
Church in Oakland.

MS. MCCLAIN: Let us pray. Gracious God, we gather today as a community who stands in need of Your wisdom and Your direction. We are a community of diverse people who represent diverse people with ideas for governance, reform, transformation, renewal that are as different as the stars in the heavens. Even the stars are guided by Your hand and the light you render offers us safe passage on the journey that we are all undertaking together. O Holy One, I am asking that You may speak to all the hearts that are gathered here, in the midst of all their differences, in order that they may come to a common understanding on how to serve Your people. As these, Your people, make decisions and laws for the benefit of Your people in the great state of Maine, my prayer is that You may calm their spirits and abide in their conversations. As they debate, may they do so with common courtesy and respect for each other's points of view. As the great scriptures state, if they must disagree, let it be so with love. Finally, dear Lord, may your Holy Spirit fill these hallowed halls, that they may be transformed into a sacred space that is designed to tend to the needs of the people. May these persons who are present be reminded of the voice of prophet Micah, to do justice, love kindness, and humbly walk in Your way, for this is what You require of all of us today, tomorrow, and the rest of our days. This is my prayer. This is our prayer offered to You, as we all say together Amen.

Pledge of Allegiance led by Senator David R. Miramant of Knox
County.

Reading of the Journal of Thursday, April 9, 2015.

Doctor of the day, Jessica Clem, MD of Portland.

Off Record Remarks

The President requested the Sergeant-At-Arms escort the Senator from Penobscot, Senator **CUSHING** to the rostrum where he assumed the duties as President Pro Tempore.

The President took a seat on the Floor.

The Senate called to order by President Pro Tempore **ANDRE E. CUSHING III** of Penobscot County.

Off Record Remarks

The Chair noted the absence of the Senator from Oxford, Senator **PATRICK**, and further excused the same Senator from today's Roll Call votes.

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Authorize Tribal-state Memoranda in the Eel and Elver Fisheries"

H.P. 862 L.D. 1262

Comes from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

On motion by Senator **BAKER** of Sagadahoc, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 205

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

April 8, 2015

The Honorable Michael D. Thibodeau
President of the Senate of Maine
127th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Insurance and Financial Services has had under consideration the nomination of William N. Lund of Portland, for reappointment as the Superintendent, Bureau of Consumer Credit Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Whittemore of Somerset, Baker of Sagadahoc, Gratwick of Penobscot
	Representatives	10	Beck of Waterville, Brooks of Lewiston, Cooper of Yarmouth, Foley of Wells, Melaragno of Auburn, Morrison of South Portland, Picchiotti of Fairfield, Prescott of Waterboro, Tucker of Brunswick, Wallace of Dexter
NAYS		0	
ABSENT		0	

Thirteen members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of William N. Lund of Portland, for reappointment as the Superintendent, Bureau of Consumer Credit Protection be confirmed.

Signed,

S/Rodney L. Whittemore
Senate Chair

S/Henry E. Beck
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following:
"Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 127th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#25)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, MASON, MCCORMICK, MILLETT, MIRAMANT, ROSEN, SAVIELLO, THIBODEAU, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - ANDRE E. CUSHING III

ABSENT: Senator: LIBBY

EXCUSED: Senator: PATRICK

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **William N. Lund** of Portland for reappointment as the Superintendent, Bureau of Consumer Credit Protection was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Will Lund, the recently reconfirmed Commissioner. Would he please rise and accept the greetings of the Senate.

The Following Communication: S.C. 206

STATE OF MAINE ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

April 8, 2015

The Honorable Michael D. Thibodeau
President of the Senate of Maine
127th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Insurance and Financial Services has had under consideration the nomination of Lloyd P. LaFountain III of Biddeford, for reappointment as the Superintendent, Bureau of Financial Institutions.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Whittemore of Somerset, Baker of Sagadahoc, Gratwick of Penobscot
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Representatives 10 Beck of Waterville, Brooks of
Lewiston, Cooper of
Yarmouth, Foley of Wells,
Melaragno of Auburn,
Morrison of South Portland,
Picchiotti of Fairfield, Prescott
of Waterboro, Tucker of
Brunswick, Wallace of Dexter

No Senator having voted in the affirmative and 34 Senators
having voted in the negative, with 1 Senator being excused, and
none being less than two-thirds of the Membership present and
voting, it was the vote of the Senate that the Committee's
recommendation be **ACCEPTED** and the nomination of **Lloyd P.
LaFountain III** of Biddeford for reappointment as the
Superintendent, Bureau of Financial Institutions was
CONFIRMED.

NAYS 0

ABSENT 0

Thirteen members of the Committee having voted in the
affirmative and zero in the negative, it was the vote of the
Committee that the nomination of Lloyd P. LaFountain III of
Biddeford, for reappointment as the Superintendent, Bureau of
Financial Institutions be confirmed.

Signed,

S/Rodney L. Whittemore
Senate Chair

S/Henry E. Beck
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following:
"Shall the recommendation of the Committee on **INSURANCE
AND FINANCIAL SERVICES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with
Joint Rule 506 of the 127th Legislature, the vote was taken by the
Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#26)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BRAKEY, BREEN,
BURNS, COLLINS, CYRWAY, DAVIS, DIAMOND,
DILL, DUTREMBLE, EDGECOMB, GERZOFKY,
GRATWICK, HAMPER, HASKELL, HILL,
JOHNSON, KATZ, LANGLEY, LIBBY, MASON,
MCCORMICK, MILLETT, MIRAMANT, ROSEN,
SAVIELLO, THIBODEAU, VALENTINO, VOLK,
WHITTEMORE, WILLETTE, WOODSOME, THE
PRESIDENT PRO TEMPORE - ANDRE E.
CUSHING III

EXCUSED: Senator: PATRICK

The Secretary has so informed the Speaker of the House of
Representatives.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to
recognize in the rear of the Chamber the Honorable Lloyd
LaFountain III from Biddeford. Would he please stand and accept
the greetings of the Senate.

Off Record Remarks

The Following Communication: S.C. 204

STATE OF MAINE 127TH LEGISLATURE OFFICE OF THE PRESIDENT

April 9, 2015

Honorable Heather J.R. Priest
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Priest:

In reference to the action of the Senate on April 1, 2015 in which
it Insisted and Asked for a Committee of Conference on L.D. 838,
"An Act To Enhance Equity and Efficiency for Off-track Betting
Facilities" (H.P 572) I am pleased to appoint the following as
conferees on the part of the Senate:

Senator Scott W. Cyrway of Kennebec
Senator Garrett P. Mason of Androscoggin
Senator John L. Patrick of Oxford

Please contact my office if you have any questions regarding
these appointments.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 203

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 8, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 683 Resolve, Regarding Legislative Review of the Final Repeal of Chapter 60: New School Siting Approval, a Late-filed Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education, State Board of Education (EMERGENCY)
- L.D. 685 Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Late-filed Major Substantive Rule of the Department of Education, State Board of Education (EMERGENCY)

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. Victoria P. Kornfield
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 207

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 10, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 17 An Act To Restore Programs and Faculty to the University of Maine System (EMERGENCY)
- L.D. 18 Resolve, To Review and Audit the University of Maine System's Finances and Governance Practices
- L.D. 42 An Act To Increase Funding for Instruction within the University of Maine System
- L.D. 99 An Act To Stabilize the Faculty and Programs at the University of Southern Maine (EMERGENCY)
- L.D. 240 An Act To Amend the School Funding Formula
- L.D. 793 Resolve, To Examine Unfunded Mandates in the Education Laws and To Recommend Unfunded Mandates To Be Eliminated (EMERGENCY)
- L.D. 794 An Act To Ensure That Funding to the University of Maine System Is Used Efficiently
- L.D. 876 An Act To Encourage Equity in School Funding by Limiting a Municipality's Contribution Based on Its Student Enrollment
- L.D. 939 An Act To Increase Transparency in the University of Maine System Regarding Procurement and Administrative Costs

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. Victoria P. Kornfield
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 208

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 10, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|---|
| L.D. 393 | An Act To Create a Unified Board of Higher Education |
| L.D. 538 | An Act To Reduce Fees at Maine's Postsecondary Institutions |
| L.D. 877 | Resolve, To Study the Fort Norumbega Site in Bucksport |

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. Victoria P. Kornfield
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 202

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 8, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|--|
| L.D. 219 | An Act To Protect a Child from Misuse of Identity |
| L.D. 469 | An Act To Promote the Disposal of Unused Medications |

- | | |
|----------|--|
| L.D. 472 | An Act To Establish Meals on Wheels as a Service Covered under the MaineCare Program |
| L.D. 478 | An Act To Require That Death Certificates Be Signed Using an Electronic Signature System |
| L.D. 667 | Resolve, Directing the Department of Health and Human Services To Educate the Public and Department Clients about How To Protect One's Family from Bisphenol A |

This is notification of the Committee's action.

Sincerely,

S/Sen. Eric L. Brakey
Senate Chair

S/Rep. Andrew M. Gattine
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 209

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 10, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|--|
| L.D. 292 | An Act To Require Hospitals To Allow Patients To Provide Their Own Medications |
| L.D. 327 | An Act To Require Prescribers of Controlled Substances To Use the Controlled Substances Prescription Monitoring Program Software |
| L.D. 664 | Resolve, To Direct the Department of Health and Human Services To Submit a State Plan Amendment To Allow Community-based and Other Health Care Providers To Be Reimbursed by MaineCare |
| L.D. 714 | Resolve, Directing the Department of Health and Human Services To Study Providing Medical Assistance to Maine's Inhabited Islands |

L.D. 751 An Act To Provide Consideration of the Need
for Nursing Facility Beds in the Area Where
They Are Located before Those Beds Are Lost

April 10, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

This is notification of the Committee's action.

Sincerely,

S/Sen. Eric L. Brakey
Senate Chair

S/Rep. Andrew M. Gattine
House Chair

READ and with accompanying papers **ORDERED PLACED ON
FILE.**

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the
Joint Standing Committee on Labor, Commerce, Research and
Economic Development has voted unanimously to report the
following bills out "Ought Not to Pass":

The Following Communication: S.C. 201

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

April 9, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the
Joint Standing Committee on Insurance and Financial Services
has voted unanimously to report the following bills out "Ought Not
to Pass":

L.D. 449 An Act Regarding the Payment of Commissions
by Car Rental Companies

L.D. 863 An Act To Update Professional Liability
Insurance Reporting to the Bureau of Insurance

This is notification of the Committee's action.

Sincerely,

S/Sen. Rodney L. Whittemore
Senate Chair

S/Rep. Henry E. Beck
House Chair

READ and with accompanying papers **ORDERED PLACED ON
FILE.**

The Following Communication: S.C. 210

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

L.D. 163 An Act To Provide Economic Development
Assistance to Rural Communities

L.D. 248 An Act To Provide Flexibility to the Application
of the State Prevailing Wage and Benefit Rates

L.D. 698 An Act To Establish a Presumption of
Impairment in the Line of Duty for Corrections
Officers under the Workers' Compensation
Laws

L.D. 758 An Act To Clarify the Definition of "Personal
Sports Mobile" for Purposes of the Laws
Governing Personal Sports Mobile Dealerships

L.D. 768 An Act To Create a Public Option Pension
System

L.D. 803 Resolve, To Establish the Task Force To
Develop Strategies To Protect Towns

L.D. 974 An Act To Provide Compensation to a
Corrections Officer Injured by a Patient or
Prisoner

This is notification of the Committee's action.

Sincerely,

S/Sen. Amy F. Volk
Senate Chair

S/Rep. Erin D. Herbig
House Chair

READ and with accompanying papers **ORDERED PLACED ON
FILE.**

The Following Communication: S.C. 200

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 8, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|--|
| L.D. 506 | An Act To Improve Public-private Transportation Partnerships |
| L.D. 645 | An Act To Create a Transportation Planning Incentive for Communities Located on Peninsulas |
| L.D. 676 | Resolve, Directing the Department of Transportation To Study the Use of Calcium Chloride on Roads and Its Effect on Vehicles |

This is notification of the Committee's action.

Sincerely,

S/Sen. Ronald F. Collins
Senate Chair

S/Rep. Andrew J. McLean
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 199

STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS

April 3, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Veterans and Legal Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|---|
| L.D. 618 | An Act To Facilitate the Production of Hard Cider in Maine |
| L.D. 804 | An Act To Establish the Maine Veterans Coordinating Committee |

This is notification of the Committee's action.

Sincerely,

S/Sen. Scott W. Cyrway
Senate Chair

S/Rep. Louis J. Luchini
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 198

STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS

April 8, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the we have approved the request by the bill sponsor Sen. Patrick of Oxford, to report the following bill Leave to Withdraw:

- | | |
|----------|--|
| L.D. 104 | An Act To Increase Gaming Opportunities for Charitable Veterans' Organizations |
|----------|--|

Sincerely,

S/Sen. Scott W. Cyrway
Senate Chair

S/Rep. Louis J. Luchini
House Chair

The Following Communication: S.C. 211

STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS

April 9, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Veterans and Legal Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|---|
| L.D. 175 | An Act To Limit Maine Clean Election Act Funding to First-time Candidates |
| L.D. 204 | An Act To Prohibit Certain Activities by Maine Clean Election Act Candidates |
| L.D. 334 | An Act To Improve the Maine Clean Election Act |
| L.D. 532 | An Act To Prohibit Maine Clean Election Act Candidates from Accepting Special Interest Money through a Political Party or Political Action Committee |
| L.D. 619 | An Act To Limit the Participation of Candidates and Legislators in Political Action Committees and Nonprofit Entities Conducting Political Activities |
| L.D. 719 | An Act To Provide Fair Access To Maine Clean Election Act Funds |
| L.D. 790 | An Act To Make Political Advertising Accountable and Transparent |
| L.D. 850 | An Act To Establish Special Elections To Fill United States Senate Vacancies |

This is notification of the Committee's action.

Sincerely,

S/Sen. Scott W. Cyrway
Senate Chair

S/Rep. Louis J. Luchini
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 114

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

April 9, 2015

The Honorable Heather J.R. Priest
Secretary of the Senate
127th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Unanimous Refer to the Committee on Criminal Justice and Public Safety Report of the Committee on Transportation on Bill "An Act To Amend the Law Regarding Juvenile Provisional Licenses To Foster Military Service" (H.P. 190) (L.D. 272), and referred the Bill and accompanying papers to the Committee on Criminal Justice and Public Safety.

The House voted today to insist on its previous action whereby it accepted the Majority Ought to Pass Report of the Committee on Labor, Commerce, Research and Economic Development on Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Certain Mechanical Trades (S.P. 54) (L.D. 121) and Passage to be Engrossed.

The House voted today to insist on its previous action whereby it referred Bill "An Act To Authorize a General Fund Bond Issue To Encourage Access to Workforce Training and Job Creation" (S.P. 69) (L.D. 194) and accompanying papers to the Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 115

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

April 9, 2015

The Honorable Heather J.R. Priest
Secretary of the Senate
127th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Enhance Equity and Efficiency for Off-track Betting Facilities" (H.P. 572) (L.D. 838).

Representative LUCHINI of Ellsworth
Representative McCABE of Skowhegan
Representative PICCHIOTTI of Fairfield

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

All matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by President Pro Tempore
ANDRE E. CUSHING III of Penobscot County.

SENATE PAPERS

Bill "An Act To Require Labeling of All Genetically Modified Products"

S.P. 478 L.D. 1326

Presented by Senator BURNS of Washington. (BY REQUEST)
Cosponsored by Senators: COLLINS of York, SAVIELLO of Franklin.

On motion by Senator **EDGECOMB** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Repair and Renovate the Former Cutler Naval Base in Washington County To Facilitate Development and Stimulate the Economy"
S.P. 483 L.D. 1334

Presented by Senator BURNS of Washington.
Cosponsored by Representative TUELL of East Machias and Senators: COLLINS of York, CYRWAY of Kennebec, DAVIS of Piscataquis, ROSEN of Hancock, Representatives: ALLEY of Beals, DANA of the Passamaquoddy Tribe, MAKER of Calais, TURNER of Burlington.

On motion by Senator **HAMPER** of Oxford, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Provide Relief to Maine Ratepayers"
S.P. 484 L.D. 1339

Presented by President THIBODEAU of Waldo.
Cosponsored by Representative DUNPHY of Embden and Senators: MASON of Androscoggin, WOODSOME of York.

On motion by Senator **WOODSOME** of York, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Attract Entrepreneurs to the State"
S.P. 481 L.D. 1332

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative GOODE of Bangor and Senators: BREEN of Cumberland, CYRWAY of Kennebec.

Bill "An Act To Ensure Economic Stability in Washington County"
S.P. 482 L.D. 1333

Presented by Senator BURNS of Washington.
Cosponsored by Representative TUELL of East Machias and Senators: COLLINS of York, DAVIS of Piscataquis, ROSEN of Hancock, Representatives: ALLEY of Beals, BEAR of the Houlton Band of Maliseet Indians, DANA of the Passamaquoddy Tribe, MAKER of Calais, TURNER of Burlington.

On motion by Senator **VOLK** of Cumberland, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Clarify the Ownership of and Access to Ancient and Family Burying Grounds"
S.P. 480 L.D. 1328

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative TEPLER of Topsham and Senators: COLLINS of York, HAMPER of Oxford, KATZ of Kennebec, MASON of Androscoggin, Representatives: CHENETTE of Saco, GOLDEN of Lewiston, MARTIN of Sinclair, TURNER of Burlington.

On motion by Senator **WHITEMORE** of Somerset, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
S.P. 479 L.D. 1327

Presented by Senator McCORMICK of Kennebec.
Cosponsored by Representative CHACE of Durham.
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

On motion by Senator **MCCORMICK** of Kennebec, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS

Joint Order

The following members of the Forest Hills Consolidated School Varsity Boys Basketball Team, of Jackman, on the occasion of their winning the 2015 Class D State Championship: Tanner Daigle, Brandon Ouellette, Ryan Petrin, Matt Turner, Quintin West, Forrest Griffin, Dawson Daigle, Aaron Moffitt, Javier Padilla, Jack Hoyt, Caleb Lacasse, Riley Nadeau and Carson Veilleux; head coach Anthony Amero; assistant coaches Mike LeBlanc, Dana Plante and Sean Danforth; and manager Andy Gilbert. We extend our congratulations to the members of the team on this achievement;

SLS 284

Sponsored by Senator **WHITEMORE** of Somerset.
Cosponsored by Representative: **DUNPHY** of Embden.

READ.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Somerset, Senator Whittemore.

Senator **WHITEMORE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I am pleased to stand before you this morning to recognize the members and coaching staff of the Forest Hill High School Boys Basketball Team. They are this year's Class D State Champions. If any of you have ever spent any time in the Jackman area, you know that Forest Hill's basketball is a big deal, not only to those who play the sport but to all those residents, and many non-residents, who root for their beloved team all year and every year. This probably explains why there were over 1,500 people at the State Championship game rooting for the Forest Hill Tigers to bring back home the gold ball. The residents of this wonderful community are very proud of these fine athletes and they have every reason to be. Bringing home the gold ball is a huge accomplishment in itself, but this team before us today did so with an undefeated season. The Tigers went 22-0, the only boys basketball team in the state, regardless of Class, to have an undefeated season and win the State Championship. Aiding to the team's success year after year is their Coach, Anthony Amero, who, with this year's State Championship victory, has accrued 236 wins at Forest Hills. Coach Amero has been the head coach in Jackman for the past 18 years and out of those 18 years he has had 11 winning seasons. Two years ago the Forest Hill Boys Basketball Team, many of whom are before you today, brought home their first boys basketball title in school history. This year they repeated that success. It is difficult to predict what will happen next year, but I

will say this, under Coach Amero's leadership, and with the dedication of the fans who will be rooting for them, they are bound to be successful. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber, already standing, the members of the coaching staff of the Forest Hills Varsity Boys Basketball Team and their members, this year's Class D State Champions from the Town of Jackman. Would the Senate please extend its greetings.

Joint Resolution

On motion by Senator **WOODSOME** of York, under unanimous consent on behalf of President **THIBODEAU** of Waldo, the following Joint Resolution:

S.P. 486

JOINT RESOLUTION DECLARING THE WEEK OF APRIL 12, 2015 AS MAINE PUBLIC SAFETY TELECOMMUNICATORS WEEK

WHEREAS, the United States Congress has declared the week beginning April 12, 2015 as "National Public Safety Telecommunicator Week"; and

WHEREAS, over 500,000 dedicated men and women are engaged in the operation of emergency response systems for federal, state, county and local governmental entities throughout the United States; and

WHEREAS, these "unseen first responders" are responsible for responding to the telephone calls of the general public for police, fire and emergency medical assistance and for dispatching assistance to help save the lives and property of our citizens; and

WHEREAS, Americans place their trust in these individuals, not just this week, but every day of the year, and rely on their knowledge and professionalism as they make critical decisions, obtain information and quickly dispatch needed aid; and

WHEREAS, the calls for help include not only police, fire and emergency medical service calls but those governmental communications related to natural disasters, forestry and conservation operations, highway safety and maintenance activities, and all other operations that modern governmental agencies must conduct; and

WHEREAS, Maine's public safety telecommunicators daily serve the public in countless ways without due recognition by the beneficiaries of their services; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this

opportunity to recognize the week of April 12, 2015 as Maine Public Safety Telecommunicators Week.

READ and ADOPTED.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

The President Pro Tempore requested the Sergeant-At-Arms escort the Senator from Waldo, Senator **THIBODEAU** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Penobscot, Senator **CUSHING** to his seat on the floor.

Senate called to order by the President.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Rule

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Notice to the Public Pertaining to a Resident Person Deported from Canada to the United States for Committing a Sex Offense against a Child"

H.P. 871 L.D. 1275

Reported that the same **Ought to Pass**, pursuant to Joint Rule 353.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Continue To Permit Persons 70 Years of Age and Older To Hunt with a Crossbow" (EMERGENCY)

H.P. 266 L.D. 400

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Options to Schools for Making Up School Days"

H.P. 87 L.D. 129

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-37)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-37)**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-37) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Related to Public Funding of Charter Schools" (EMERGENCY)

H.P. 89 L.D. 131

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-38)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-38)**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-38) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Require Removal of Mooring Equipment"
H.P. 21 L.D. 22

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-34).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34).**

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-34) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Combine Outstanding Student Loan Debt with a Home Mortgage"

H.P. 230 L.D. 336

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-30).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-30).**

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-30) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act To Reduce Commercial Shellfish License Fees for Persons under 18 Years of Age"

H.P. 154 L.D. 222

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-33).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-33).**

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-33) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Resolve, Regarding Legislative Review of Portions of Chapter 4: Maine Motor Carrier Safety Regulation, a Major Substantive Rule of the Department of Public Safety, Bureau of State Police (EMERGENCY)
H.P. 101 L.D. 143

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-42).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-42).**

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-42) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Law Concerning Overwidth Farm Tractors on Public Ways"

H.P. 202 L.D. 284

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-31).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-31).**

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-31) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Telephonic Political Communications and Push Polling"

H.P. 278 L.D. 412

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-32)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-32)**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-32) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Preserve Programs in Allied Health at Kennebec Valley Community College"

H.P. 85 L.D. 127

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook

Representatives:

KORNFELD of Bangor
FARNSWORTH of Portland
HUBBELL of Bar Harbor
MAKER of Calais
McCLELLAN of Raymond
PIERCE of Falmouth
POULIOT of Augusta
STEARNS of Guilford
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-36)**.

Signed:

Senator:

MILLETT of Cumberland

Representative:

DAUGHTRY of Brunswick

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **HILL** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. Before we call for the roll call I'd just like to speak on the current motion on the Floor of Ought Not to Pass and feel I just do so because, having taught in CTCs my whole career and having fought for the Community College System, you might wonder why there's an Ought Not to Pass vote out of the Committee on this particular piece of legislation. I'd just like to point out to you that our Ought Not to Pass Majority Report was in recognition that the Committee unanimously had gone in front of the Appropriations Committee on our report back to support putting more funds into the Community College System as a whole and, rather than trying to usurp the trustee's role of deciding where the funds go, we felt that the more proper way to do this was to put it into their budget rather than to sort of sidestep the role of the trustees. It's not because there's a lack of support for the Community College. In fact, it's just the opposite. There is tremendous support. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley, to Accept the Majority Ought Not to Pass Report, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#27)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, SAVIELLO, VOLK, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, VALENTINO, WHITEMORE

EXCUSED: Senator: PATRICK

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Proper Notification of Life Insurance Cancellation"

H.P. 152 L.D. 220

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-39)**.

Signed:

Senators:

WHITTEMORE of Somerset
BAKER of Sagadahoc
GRATWICK of Penobscot

Representatives:

COOPER of Yarmouth
FOLEY of Wells
MELARAGNO of Auburn
MORRISON of South Portland
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
TUCKER of Brunswick
WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-40)**.

Signed:

Representatives:

BECK of Waterville
BROOKS of Lewiston

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-39)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-39)**.

Reports **READ**.

On motion by Senator **WHITTEMORE** of Somerset, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-39)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-39) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Expand Access to Absentee Ballots" H.P. 279 L.D. 413

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-59)**.

Signed:

Senator:

PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
GOLDEN of Lewiston
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York

Representatives:

DILLINGHAM of Oxford
HANINGTON of Lincoln
KINNEY of Limington
TURNER of Burlington

Comes from the House with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **CYRWAY** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

Senate

Change of Committee

Senator CYRWAY for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Prohibit Public Endorsement of Candidates for Office by County Employees and Elected Officials"

S.P. 301 L.D. 857

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Report **READ** and **ACCEPTED**.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

Ought to Pass

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Continue the Visual and Digital Media Loan Program and the Visual and Digital Media Loan Fund"

S.P. 145 L.D. 377

Reported that the same **Ought to Pass**.

Report **READ** and **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prevent Organized Retail Crime"

S.P. 125 L.D. 310

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-30)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-30) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create the Sex Offender Management and Risk Assessment Advisory Commission"

S.P. 147 L.D. 379

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-31)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-31) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Community Paramedicine Pilot Projects"

S.P. 222 L.D. 629

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-32)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-32) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Initiate the Procedures To Request the United States Congress's Joint Committee on the Library To Replace a Statue in the National Statuary Hall Collection

S.P. 99 L.D. 261

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-34)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-34) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator WHITTEMORE for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize the Transfer of State-owned Real Estate to the City of Belfast"

S.P. 231 L.D. 638

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-33)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-33) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require School Administrators To Complete 50 Hours of Direct Student Instruction To Be Recertified"

S.P. 142 L.D. 374

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook
MILLETT of Cumberland

Representatives:

KORNFELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
HUBBELL of Bar Harbor
MAKER of Calais
McCLELLAN of Raymond
PIERCE of Falmouth
STEARNS of Guilford
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-28)**.

Signed:

Representative:

POULIOT of Augusta

Reports **READ**.

On motion by Senator **LANGLEY** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Limit Allowable Health Care Charges in Certain Specified Situations"

S.P. 89 L.D. 251

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-35)**.

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

BROOKS of Lewiston
COOPER of Yarmouth
FOLEY of Wells
MELARAGNO of Auburn
PICCHIOTTI of Fairfield
TUCKER of Brunswick

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senators:

WHITTEMORE of Somerset
BAKER of Sagadahoc

Representatives:

BECK of Waterville
MORRISON of South Portland
PRESCOTT of Waterboro
WALLACE of Dexter

Reports **READ**.

Senator **WHITTEMORE** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Cap Fines Imposed for Certain Motor Carrier Violations"

S.P. 123 L.D. 308

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

COLLINS of York
ROSEN of Hancock
DIAMOND of Cumberland

Representatives:

McLEAN of Gorham
BRYANT of Windham
GILLWAY of Searsport
GOLDEN of Lewiston
HOGAN of Old Orchard Beach
POWERS of Naples

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-36)**.

Signed:

Representatives:

FARRIN of Norridgewock
HOBART of Bowdoinham
PARRY of Arundel
VEROW of Brewer

Reports **READ**.

On motion by Senator **COLLINS** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Strengthen Maine's Election Laws by Requiring Photographic Identification for the Purpose of Voting"
S.P. 72 L.D. 197

Reported that the same **Ought Not to Pass**.

Signed:

Senator:

PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
GOLDEN of Lewiston
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-27)**.

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York

Representatives:

DILLINGHAM of Oxford
HANINGTON of Lincoln
TURNER of Burlington

Reports **READ**.

On motion by Senator **CYRWAY** of Kennebec, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act To Amend the Law Regarding Commercial Learner's Permits" (EMERGENCY)

H.P. 354 L.D. 515

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act Regarding Emergency Lights on a Vehicle Used by a Member of a Municipal or Volunteer Fire or Emergency Medical Services Department"

H.P. 35 L.D. 37
(C "A" H-29)

Bill "An Act To Prohibit Tobacco Use Surcharges in Small Group and Individual Health Insurance Products"

H.P. 93 L.D. 135
(C "A" H-26)

Bill "An Act To Provide Funding to the Department of Transportation To Complete the Assessment for the Completion of the State-owned St. Lawrence and Atlantic Railroad Line"

H.P. 217 L.D. 323
(C "A" H-28)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate

Bill "An Act To Amend the Powers and Duties of the State Board of Education"

S.P. 157 L.D. 428

Bill "An Act To Repeal Outdated Statutory Sections Relating to Regional Ride Share Programs"

S.P. 176 L.D. 447

Bill "An Act To Amend the Laws Regarding the Maine Organ and Tissue Donation Fund" (EMERGENCY)

S.P. 197 L.D. 528

READ A SECOND TIME and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Bill "An Act Concerning the Salary of Elected Sheriffs"

S.P. 30 L.D. 82
(C "A" S-25)

Bill "An Act Amending the Trap Limit for the Swans Island Lobster Conservation Area" (EMERGENCY)

S.P. 35 L.D. 98
(C "A" S-24)

Bill "An Act To Improve Student Retention in Maine's Postsecondary Institutions"

S.P. 84 L.D. 215
(C "A" S-21)

Bill "An Act To Improve Attendance at Public Elementary Schools"

S.P. 126 L.D. 311
(C "A" S-22)

Bill "An Act To Amend the Maine Economic Development Venture Capital Revolving Investment Program"

S.P. 202 L.D. 586
(C "A" S-26)

Bill "An Act To Amend the Laws Related to the Bolduc Correctional Facility"

S.P. 246 L.D. 688
(C "A" S-23)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 119: Motor Vehicle Fuel Volatility Limit, a Major Substantive Rule of the Department of Environmental Protection

H.P. 239 L.D. 352

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Acts

An Act To Clarify Municipal Capacity for Site Location of Development and Encourage Local Development

S.P. 171 L.D. 442

An Act To Make a Technical Correction to the Law Establishing the State Trauma Prevention and Control Advisory Committee within the Field of Public Safety

S.P. 217 L.D. 624

PASSED TO BE ENACTED and, having been signed by the President, were presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

An Act To Require Drug Testing of the Driver of a Motor Vehicle Involved in a Fatal Accident

H.P. 63 L.D. 69
(C "A" H-25)

On motion by Senator **COLLINS** of York, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Create a Blue Alert Program in Maine

S.P. 143 L.D. 375

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to present you with a series of numbers. The first is 20. This is the number of law enforcement

officers shot by suspects across the country in the month of February. Twenty-five; this is the number of officers shot, stabbed, or attacked with a motor vehicle in the month of January. The most alarming number is 37. Thirty-seven officers have lost their lives this year, to date, in the line of duty. This number equates to an officer being brutally attacked and killed every 66 hours in the United States. A person who is willing to attack a member of law enforcement is willing to attack anyone. These sorts of people generally have little to no regard for human life. They are, ladies and gentlemen, some of the most dangerous, scariest people around. This is why I sponsored L.D. 375, a bill that would create a Blue Alert program in Maine.

Most of you have heard of the Amber Alert program. The child abduction alert system has been operational since 1996. Many of you have also heard of the Silver Alert program; a program that broadcasts information about missing persons, particularly senior citizens, to help aid in their recovery. The Blue Alert program is similar to the aforementioned but is designed to establish a quick response system to issue alerts following a violent attack on a law enforcement officer. The goal of the Blue Alert program is to provide immediate information to the public about violent suspects for the public's own safety, as well as other law enforcement agents. This information may include the last seen whereabouts of the suspect, the type of vehicle they are driving, general description of the person, and whether they are armed or not.

If passed, this legislation would create a system that the public would be notified through various State agencies and media outlets if and when a law enforcement officer has been killed, injured, or is missing. This notification would go out to the Department of Public Safety to determine if the public notification would be useful in apprehending a suspected offender or finding a missing officer. Currently, 21 states across the union have Blue Alert programs in place. Another ten states are considering legislation similar to this bill. The legislation, if passed, will help apprehend violent criminals who kill or seriously injure local, state, or federal law enforcement officers.

With all these men and women do to protect the public every day it would seem that this passage of legislation is the least we can do to protect them and ensure that they get to go home to their families at night. As many of you know, I've been involved in law enforcement for many years and I have the highest respect for officers that put themselves in harm's way every day. Because of the dangers law enforcement officers see every day, we need to be proactive with a program such as this. This is not a matter of being reactive. It cannot be ignored that this trend in violence is finding its way to Maine, putting Maine officers' lives in even greater danger. We are already seeing an increase in officer involved shootings in the last ten years and the largest we've seen in the calendar year and three already this year. We cannot afford to also see these numbers convert into officer injuries or deaths.

This legislation received a unanimous Ought to Pass vote in Committee and has generated and garnered the support of the Maine Chiefs of Police Association, the Sheriffs Association, and the Maine Broadcasters Association. Nationally, the Blue Alert program is supported by the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the National Association of Police Organizations, and the Sergeants Benevolent Association of the New York City Police Department, and many other organizations. Quickly decimating information to citizens and public safety officers will empower communities and

add to the tools at the disposal of law enforcement for keeping Maine and America safe. A Blue Alert system would ensure the citizens of Maine could work in concert to help protect those who put their lives on the line to protect us. I'm proud to join law enforcement nationwide and colleagues in both the Senate and the House in calling for Passage of this important public safety legislation. Thank you for allowing me to voice this, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to echo my good friend from Kennebec, Senator Cyrway, and thank him for bringing this legislation forward. I want to thank the members of the Criminal Justice Committee for the great support this bill received. It's the right time to bring this bill forward. I really believe that this bill will help to protect the public and it certainly will help to apprehend offenders that commit these serious crimes and put our law enforcement officers and the public in jeopardy. I listened this morning to something on the news that I hadn't heard before about the new applications for phones that help you track police officers, know their whereabouts and keep an eye on them, find them; all those things that the applications are going to do. Obviously, some of these applications can be used for good purposes, but we also know that they can be used for other purposes and it's just a matter of time before an officer is tracked down with one of these applications and assaulted or killed. This is a good timing, I believe, for this bill to go forward. I certainly would appreciate your support and I would request a roll call.

On motion by Senator **BURNS** of Washington, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#28)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

EXCUSED: Senator: PATRICK

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (2/24/15) matter:

Bill "An Act To Include Nonalcoholic Malt Beverages in the List of Exempt Products in the Law Regarding the Labeling of Genetically Engineered Products"

H.P. 295 L.D. 456

Tabled - February 24, 2015, by Senator **EDGECOMB** of Aroostook

Pending - **REFERENCE**

(In House, February 24, 2015, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.)

On motion by Senator **EDGECOMB** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/19/15) matter:

Bill "An Act To Amend Maine's Genetically Modified Food Products Labeling Law"

H.P. 686 L.D. 991

Tabled - March 19, 2015, by Senator **EDGECOMB** of Aroostook

Pending - **REFERENCE**

(In House, March 18, 2015, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.)

On motion by Senator **EDGECOMB** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/2/15) matter:

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Prohibit the Use of a Mobile Telephone When Operating a Motor Vehicle Except in Hands-free Mode"

S.P. 60 L.D. 185

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-13)** (6 members)

Tabled - April 2, 2015, by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 2, 2015, Reports **READ**.)

Senator **COLLINS** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **KATZ** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ**: Thank you, Mr. President. Men and women of the Senate, ask any police chief in our districts, ask any law enforcement officer in our districts, and I believe they will agree that the use of hand-held cell phones while driving has eclipsed drunk driving as the major public safety hazard on our highways. We can all think of examples in our own lives. You are going down the road and a car starts to weave into your lane. You look, the driver's on a cell phone. You're driving yourself down the Interstate and you feel yourself on the rumble strip. The driver in this case, you or I, are on our cell phones. You are sitting at a stop light and all of a sudden you hear the squealing of brakes from behind you and somebody narrowly avoids colliding into you. The driver is on a cell phone.

In 2014 the statistics show that over 2,000 collisions in this state, and hundreds of thousands across the country, were caused by distracted drivers, most of them using those cell phones. We are all guilty here. If any of you thinks that it's a safe thing to do because you've never had that feeling that you've almost caused a collision, than vote yes on the pending motion. I think if we look into our own lives and realize that we've all come close ourselves, I urge you to vote no on the pending motion.

Opponents of this will say that you cannot legislate common sense and that this is just another example of the nanny state. The evidence is in. There have been hundreds of studies and what they show is that when you're driving, and you're using your hand-held cell phone, you are driving with the equivalent of a .08 alcohol in your system. It's just like driving drunk in terms of your ability to concentrate on what's happening on the road. It isn't just a matter of the government telling us what we can do in our own lives. The old saying that you're right to extend your fist ends at someone else's nose is really true here as well. This won't solve all the problems of the world, but it will eliminate some of those collisions and many of those fatalities. Two thousand collisions in Maine and over a dozen fatalities last year. We can do better and prevent many of those. Fourteen other states, Mr. President,

have passed similar legislation and the evidence in many of them is that collisions go down and fatalities go down when we do it. We'll all give up a little bit of personal freedom here, but we'll be a lot safer.

Modern life, as we know it, Mr. President, will not end. Lawyers, salesmen, realtors, and even Legislators will still be able to make calls as we're going down the road. You're just going to have to use Bluetooth or a headphone or something of that nature, because this does allow for hands-free use. Many cars now come equipped with Bluetooth, but you can get it as cheaply as \$13 at Radio Shack or any other store devices which you can use and be safe with this law. Now hands-free use, Mr. President, isn't entirely safe itself, but this will help a great deal. What the State Police have told us, and the Department of Public Safety was adamant about this during the hearing, was that this law will also help them enforce the existing ban on texting while driving because it's so hard for them to be able to tell when they see somebody using their phone when they are driving whether they are texting or they are talking or exactly what they are doing. The State Police said this will help as well.

We can't deal with every possible safety issue here. We're not going to make it illegal to eat a French fry while you're driving down the road, but when the evidence is so clear that this is the major cause of many, many collisions, which is using that darned hand-held phone, we can do something about it. This will make our roads safer, Mr. President, in our home districts. People will still get from point A to point B, but they will get there a little bit safer. I urge the Senate to vote no on the pending motion. It's something tangible we can do this session to make our state safer. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the motion on the Floor. I'll be very brief. Distracted driving is a real problem. Everybody in this Chamber knows that. Nobody denies that. The problem is that no one wants to be inconvenienced. I don't, you don't, nobody wants to be inconvenienced about these things that we have in life that makes things a little easier and a little more convenient. The justification is clearly there; to compare this with operating under the influence of intoxicants. For many years we've put it off. We didn't take it seriously. Look at the carnage that it caused across the nation and in this state until, finally, Legislatures all over the country finally started to take OUI seriously and gave law enforcement and the communities the tools that the needed to start curtailing it. The time is here, ladies and gentlemen, for this same problem. Let's not put it off. Let's stop the carnage. Let's vote in opposition to the pending motion and make our highways safer. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I'll keep my comments very brief. I just wanted to speak in favor of the Ought Not to Pass motion. I don't have prepared remarks, so I'll be speaking a little off the cuff. I think it's important to note that currently if a police officer sees someone driving erratically or driving recklessly they can be pulled over for distracted driving or reckless driving and be ticketed for that. We're creating a

situation where if a police officer sees someone in the moment that they are actually in control of their vehicle, now there's justification to pull them over when they are in control of their vehicle. More than that, I just would ask the question: where does it end? I'm willing to accept that cell phones may be something that distracts people, but you know what else distracts people? Noisy kids in the backseat of the car. Are we going to ban noisy kids in the backseat of a car? Eating French fries while you're driving can be. You've only got one hand on the wheel then. Are we going to ban that? What about operating the radio while you're driving? Is that something we're going to ban too? With this bill we're picking out one particular item that can contribute to distracted driving and we're isolating that. There are many things that can contribute to distracted driving, but, furthermore, not everyone who is participating in these behaviors is not in control of their vehicle. I know for myself, personally, I know some nights when I'm driving back, it's late and I'm kind of tired, actually I'll call someone just to keep me alert behind the wheel; to keep my brain going while I'm driving to avoid drifting off. I think there are some unintended consequences here and I intend to support the Ought Not to Pass motion. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gerzofsky.

Senator **GERZOFSKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, some of you know from past debates that I like riding motorcycles. I'm a motorcycle enthusiast. Been riding them since 1955 and nothing, nothing in the state of Maine scares me nearly as much as riding a motorcycle on our highways in the last couple of years. The more we're doing this, the more dangerous, Mr. President, it becomes because we have a different perspective on a motorcycle. We get to see the faces of people that are driving next to us. I've seen them eating a McDonald's burger or a French fry. It doesn't take their eyes or their mind off what they're driving. They are just eating. A cell phone gets you in a different place. You're having a conversation with your friends, your wife, your business partner, and sometimes those conversations aren't so pleasant and it takes your mind off of what you're doing. I've been driven off to the side of the road and hit those rumble strips more than once to the point where I'm not riding my motorcycle last year, probably won't this year. It's because of the people that are using these cell phones with no respect for the other people on the road with them. They are distracted. There's no way of getting around that. We can make excuses all we want for other people's bad behavior and we can't legislate stupid. We keep trying to do that. What we can do, and what we've done in the past, Mr. President and ladies and gentlemen of the Senate, is we can legislate the way you're supposed to behave on the road. We legislated to put seatbelts in use while I was a staff member in this Chamber. Nobody can say it hasn't cut down on death by accidents in cars. You can't say that we haven't done things over the past. This is one of those issues, Mr. President, I hope everybody in this Chamber will support because it's time that we do something. This problem's been out there getting worse and worse and worse. It's about time that we want to do something about it. This is the time to do it. I'm in total support of trying to rectify this problem and, knowing that the Legislature can do it, we can't say we can't. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Being in law enforcement in the past, I have attended accidents that have to do with cell phones. It may be even going up a hill, stopped in traffic, just not observing. As you know, we didn't grow up in the cell phone age, but a lot of young people have. They feel that this is a right to have a cell phone to your ear, but really we grew up without having cell phones when we were younger and we managed to get by. I think we kind of lost perspective of that. Also this cell phone bill doesn't exclude you from being able to use it in emergency situations. Also I think that in those two matters that I support this bill and I think that it's very important that we look at safety for not only ourselves but for our kids. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, if you look back just a decade or so ago, in the 1990s, this Body and the Body down the at the other end of the building focused a lot on passing legislation to make OUI less of a problem. Innocent people were getting killed, head-on collisions. There were accidents after accidents because of the needless driving while intoxicated. We worked on that in the 1990s and made some good headway. We really did. In fact, we've seen a lot of strides towards the reduction of OUI on the roads today. In the 2000s we've got a new evil to deal with. That is distracted driving. I was proud to sponsor the legislation in 2009 to make distracted driving a violation. That worked to some degree because it was all-encompassing. Then we decided, or found out, that people were texting, so we passed a no texting law, which helped as well. Here we are now, on our final step, because the problem is those who are texting, when they are pulled over by law enforcement, their answer is, Mr. President, "Oh no, I was punching in numbers. I was calling." The reason why distracted driving is so dangerous, and the reason why texting is so dangerous, is because they've lost sight of what they are doing at that moment of driving. We've had many people; in Windham last year a head-on collision. Around the state we see the same thing. This is the attempt, and when I signed onto this bill I had not thought it through to the point that who texts the most. It's our young people. This has a secondary benefit from what I was thinking. It takes that phone out of the hand of those young people. They cannot say, and everybody cannot say, "I was simply just punching in a number." This is a tremendous bill. It's going to save lives and mostly, I suspect, Mr. President and men and women of the Senate, it's going to save a lot of young lives. We can feel really good about that. I urge you to vote no on this motion. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Collins, to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#29)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, DAVIS, DILL, HAMPER, MASON, MCCORMICK, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BAKER, BREEN, BURNS, CYRWAY, DIAMOND, DUTREMBLE, EDGECOMB, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WOODSOME

EXCUSED: Senator: PATRICK

10 Senators having voted in the affirmative and 24 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-13)** Report **ACCEPTED**.

(See action later today.)

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges"

H.P. 908 L.D. 1336

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **HAMPER** of Oxford, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Amend Maine's Restructuring Laws"

H.P. 893 L.D. 1315

Bill "An Act To Maximize the Benefits of Renewable Energy in Maine" (EMERGENCY)

H.P. 904 L.D. 1329

Come from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

On motion by Senator **WOODSOME** of York, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

Bill "An Act Regarding the Employment of Certified Nursing Assistants and Direct Care Workers"

H.P. 894 L.D. 1316

Bill "An Act To Create Transparency with Regard to Large Employers in the State with Workforce Members Who Receive Public Benefits"

H.P. 902 L.D. 1324

Bill "An Act To Fully Fund the Family Caregiver Respite Program"
H.P. 909 L.D. 1337

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act To Expand the Landowner Relations Program at the Department of Inland Fisheries and Wildlife"

H.P. 899 L.D. 1321

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **DAVIS** of Piscataquis, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act To Provide Expedited Court Review of Child Visitation Provisions for Military Personnel on Duty out of State"

H.P. 895 L.D. 1317

Bill "An Act To Implement the Recommendations of the Probate and Trust Law Advisory Commission Concerning the Probate Code"

H.P. 900 L.D. 1322

Bill "An Act To Enhance Efficiency in the Collection of Child Support Obligations"

H.P. 905 L.D. 1330

Bill "An Act Regarding Legal Representation in Certain Eviction Actions"

H.P. 910 L.D. 1338

Come from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **BURNS** of Washington, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Senate at Ease.

Senate called to order by the President.

Bill "An Act To Promote Individual Private Savings Accounts through a Public-private Partnership"

H.P. 896 L.D. 1318

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

On motion by Senator **WHITEMORE** of Somerset, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Bill "An Act To Ensure That Wages and Benefits of Maine State Employees Serve a Public Purpose"

H.P. 897 L.D. 1319

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

On motion by Senator **VOLK** of Cumberland, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act To Expand Rural Broadband"

H.P. 901 L.D. 1323

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

On motion by Senator **WOODSOME** of York, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

Bill "An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road"

H.P. 903 L.D. 1325

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **WHITEMORE** of Somerset, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Bill "An Act To Amend the Motor Vehicle Laws"
H.P. 898 L.D. 1320

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **COLLINS** of York, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Bill "An Act To Provide Enhanced Enforcement of the Laws Governing Alcoholic Beverages"
H.P. 906 L.D. 1331

Bill "An Act To Amend the Election Laws"
H.P. 907 L.D. 1335

Come from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

On motion by Senator **CYRWAY** of Kennebec, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

An Act To Prohibit the Use of a Mobile Telephone When Operating a Motor Vehicle Except in Hands-free Mode
S.P. 60 L.D. 185

(The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-13) Report, ACCEPTED.**)

READ ONCE.

Committee Amendment "A" (S-13) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **BREEN** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **BREEN**: Thank you. I have good news, bad news, and good news. I'll start with the good. Today is Equal Pay Day, the day that we recognize the gap between what women earn in the workplace and what men earn in the workplace. The good news is the gap is shrinking. The bad news is that Maine is not in the top five states. According to the Institute for Women's Policy

research in 2013 Maine ranked 22nd in this category among the 50 states, earning a grade of C+. Only 21% of people in Maine's managerial and professional jobs are women. That's the bad news, but back to the good news. For women with college degrees, Maine ranks number four. All research in the United States and internationally draws the same conclusion; the single most important factor in kids earning a college degree is whether or not their mother has a college degree. When women's prosperity grows, so does their children's. I'd like to suggest that one important way to grow Maine's economy, to make us more prosperous, is to make sure we are educating our girls and women, making college accessible, practical, and affordable. This will go a long way to getting Maine to the number one spot someday in Equal Pay Day. Thank you, Mr. President.

Senator **BRAKEY** of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator **BRAKEY**: Thank you, Mr. President. I just wanted to acknowledge that this past Saturday, I hope it didn't go unobserved, April 11th, was Maine Tax Freedom Day. Every state has their own Tax Freedom Day based on the date that the taxpayers of that state have worked through the year just in order to pay their taxes. This April 11th was the first day that Mainers were actually earning money for themselves and not to pay our salaries. I just want to acknowledge that and thank the Maine taxpayers. I congratulate them on finally being in the black.

Off Record Remarks

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by Senator **EDGEComb** of Aroostook, **ADJOURNED** to Thursday, April 16, 2015, at 10:00 in the morning.