

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 28, 2015

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

Prayer by Major Patricia LaBossiere of the Salvation Army in
Portland.

MAJOR LABOSSIERE: Please pray with me. Heavenly Father,
Everlasting God, Creator of the Universe, thank You for being a
faithful God who answers prayer. Thank you for the abundant
blessings You pour out on us. May we never forget to be grateful.
You are the one that we can trust in times like these. We need
Your mercy and Your grace in our lives today and every day.
Forgive us for the times we have gone astray and fallen short of
Your ways. Help us to live in obedience to You. Protect us and
preserve us, for You are our refuge and hope. We pray that You
would comfort and protect our service men and women today who
are in harm's way and we ask special blessings on those who are
suffering as a result of the earthquake in Nepal. Just be with
those who are grieving the loss of loved ones. This morning we
not only ask for knowledge and understanding, but, more
importantly, we ask for wisdom in all deliberations that will take
place and for the courage to do what's right. We pray for our
nation and the state of Maine. Help us to be a light in this dark
world. Show us how to do to others as we would have them do to
us. Help us to do right, to seek justice, to feed the hungry, clothe
the naked, care the stranger, visit the prisoner, because You
promise us when we do these things and then we call out You will
answer us and You will say, "Here I am," and You will guide us.
Lord, I ask You to hear the cry and the prayer that Your servants
pray in Your presence this day and I pray all these things with
expected faith and a grateful heart in the name of Jesus. Amen.

Pledge of Allegiance led by Senator James M. Hamper of Oxford
County.

Reading of the Journal of Thursday, April 23, 2015.

Doctor of the day, Lani Graham, MD, MPH of Portland.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LABOR,**
COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT
on Bill "An Act To Improve Public Sector Collective Bargaining
Laws"

S.P. 199 L.D. 530

Majority - **Ought to Pass** (7 members)

Minority - **Ought Not to Pass** (6 members)

In Senate, April 16, 2015, on motion by Senator **VOLK** of
Cumberland, the Minority **OUGHT NOT TO PASS** Report **READ**
and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS** Report
READ and **ACCEPTED** and the Bill **PASSED TO BE**
ENGROSSED, in **NON-CONCURRENCE**.

On motion by Senator **MASON** of Androscoggin, the Senate
INSISTED.

Sent down for concurrence.

Non-Concurrent Matter

Bill "An Act To License Outpatient Surgical Abortion Facilities"
H.P. 890 L.D. 1312

In House, April 16, 2015, **REFERRED** to the Committee on
JUDICIARY and ordered printed.

In Senate, April 21, 2015, on motion by Senator **BRAKEY** of
Androscoggin, **REFERRED** to the Committee on **HEALTH AND**
HUMAN SERVICES, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **BURNS** of Washington, the Senate
RECEDED and **CONCURRED**.

Joint Resolution

The following Joint Resolution:

H.P. 926

JOINT RESOLUTION
PROCLAIMING APRIL AS FINANCIAL LITERACY MONTH

WHEREAS, according to recent statistics, the average
American credit card debt is \$15,611, the average mortgage debt
is \$155,192 and the average student loan debt is \$32,264; and

WHEREAS, the United States consumer debt in January of this year was \$3.328 trillion and, of this, \$2.44 trillion was nonrevolving debt and \$887.9 billion was credit card debt; and

WHEREAS, a household debt crisis occurs when a family starts falling behind on monthly payments, and any sudden loss of income, or increase in costs, can cause a household debt crisis; and

WHEREAS, approximately 13% of Americans do not have health insurance, which increases financial hardship for everyone; and

WHEREAS, one of the biggest reasons for debt is medical expenses, which cause half of all bankruptcies in the United States; and

WHEREAS, foreclosure filings for 2013, including notices of default, scheduled auctions and bank repossessions, were reported on 1.36 million properties; and

WHEREAS, financial education, which makes our State more financially literate, is important to improve the financial capability of Maine residents, from kindergarten to college and beyond; and

WHEREAS, financial education efforts are a key element in preventing future debt and financial difficulties and in developing in our citizens a better understanding of basic personal and business financial matters; and

WHEREAS, the Finance Authority of Maine offers a variety of statewide initiatives and education workshops and programs to the public and to schools on financial literacy and is committed to helping people manage their money; 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, urge the residents of the State to become more financially literate, and, in order to raise public awareness about the need for increased financial literacy education, we support naming April as Financial Literacy Month.

Comes from the House, **READ** and **ADOPTED**.

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 229

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

April 21, 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 Labor, Commerce, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 869 An Act To Allow Dealers of Antique Autos To Be Open and Operate on Sundays

L.D. 1109 An Act To Facilitate the Completion of Training by Certain Cosmetology Students (EMERGENCY)

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. 230

STATE OF MAINE ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE COMMITTEE ON MARINE RESOURCES

April 21, 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 Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 492 An Act To Expand Eligibility for Lobster and Crab Fishing Licenses for Veterans (EMERGENCY)

L.D. 1016 An Act To Allow Retired Marine Patrol Officers To Obtain up to 2 Marine Fisheries Licenses

L.D. 1143 An Act To Promote Protection of Intertidal Rockweed Habitat

This is notification of the Committee's action.

Sincerely,

S/Sen. Linda L. Baker
Senate Chair

S/Rep. Walter A. Kumiega
House Chair

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

The Following Communication: S.C. 231

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

April 23, 2015

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

Dear President Thibodeau and Speaker Eves,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Bear of Houlton Band of Maliseet Indians, to report the following bill Leave to Withdraw:

L.D. 1297 An Act To Amend Marine Resources Licensing Restrictions for Wabanaki Tribal Members

Sincerely,

S/Sen. Linda L. Baker
Senate Chair

S/Rep. Walter A. Kumiega, III
House Chair

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

The Following Communication: S.C. 232

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

April 22, 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 State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 724 An Act To Authorize Municipal Fire Districts To Impose Service Charges

L.D. 874 An Act To Provide Transparency and Accountability of Taxpayer Funds

This is notification of the Committee's action.

Sincerely,

S/Sen. Rodney L. Whittemore
Senate Chair

S/Rep. Roland Danny Martin
House Chair

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

The Following Communication: S.C. 233

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

April 22, 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. 754 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure That Laws Governing Hunting and Fishing Are Not Subject to the Citizen Petition Process

L.D. 964 An Act To Provide Access to Private Apartment Complexes for Political Candidates

L.D. 990 An Act To Limit Agency Expenditures To Influence Elections

L.D. 1083 An Act To Facilitate the Use of Half-gallon Containers for Malt Liquor at Maine Brew Pubs

L.D. 1219 An Act To Allow Active Members and Veterans of the Armed Forces Who Are at Least 18 Years of Age and under 21 Years of Age To Consume Alcohol at Eligible Veterans' Organization Posts and American Legion Halls

L.D. 1228 An Act To Amend the Ballot Initiative Process To Ensure Support in Maine's Congressional Districts

Cosponsored by Representative FREDETTE of Newport and Senators: BRAKEY of Androscoggin, HAMPER of Oxford, MASON of Androscoggin, Representatives: ESPLING of New Gloucester, MALABY of Hancock, SANDERSON of Chelsea, SIROCKI of Scarborough, TIMBERLAKE of Turner.

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

Sent down for concurrence.

This is notification of the Committee's action.

Sincerely,

S/Sen. Scott W. Cyrway
Senate Chair

S/Rep. Louis J. Luchini
House Chair

Bill "An Act To Restructure the Permitting Process for Wildlife and Exotic Species in Captivity"

S.P. 501 L.D. 1369

Presented by Senator DAVIS of Piscataquis.
Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

Bill "An Act To Encourage Greater Efficiency in the Unemployment Insurance System"

S.P. 503 L.D. 1371

Presented by Senator VOLK of Cumberland.
Cosponsored by Representative WARD of Dedham and Senator: CUSHING of Penobscot, Representatives: AUSTIN of Gray, LOCKMAN of Amherst, STETKIS of Canaan.
Submitted by the Department of Labor pursuant to Joint Rule 204.

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 Expand the Educational Opportunity Tax Credit"
S.P. 504 L.D. 1374

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senator: ALFOND of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

SENATE PAPERS

Bill "An Act To Improve the Quality of Teachers"
S.P. 502 L.D. 1370

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative HUBBELL of Bar Harbor and Senators: BAKER of Sagadahoc, BREEN of Cumberland, JOHNSON of Lincoln, KATZ of Kennebec, Representatives: DAUGHTRY of Brunswick, KORNFIELD of Bangor, MAKER of Calais, POULIOT of Augusta.

On motion by Senator **LANGLEY** of Hancock, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Increase Accountability in Maine's Welfare Programs"

S.P. 505 L.D. 1375

Presented by President THIBODEAU of Waldo. (GOVERNOR'S BILL)

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

The President requested the Sergeant-At-Arms escort the Senator from Androscoggin, Senator **MASON** 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 **GARRETT P. MASON** of Androscoggin County.

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

The Hampden Academy Unified Basketball Team, which won the State's first Unified Basketball Championship. Members of the team include players Stephanie Walker, Kenneth Brewer-Frazee, Dakota Clement, Zach Ewing, Culley Wilson, Noah Parker, Isaiah Palmer, Alex Ross, Drew Kelso, Will Huston, Robbie Martin, Isaac Miller, Michael Austin, Teddy Harris and David Manzo; assistant coach Linda MacDonald; and coach Andrea Lee. We extend to all the members of the team our congratulations and best wishes;

SLS 360

Sponsored by President THIBODEAU of Waldo.
Cosponsored by Senator: CUSHING of Penobscot,
Representative: DAVITT of Hampden.

READ.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you, Mr. President. I would like to yield my time first to the President of the Senate since he is the sponsor of this sentiment and ask that the Secretary read the sentiment.

At the request of Senator **CUSHING** of Penobscot, **READ.**

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I believe it was Yogi Berra that said it's déjà vu all over again. If you feel like you've been here before, you have. The fact of the matter is the Hampden Broncos won the Eastern Maine Class A Championship and then went on to defeat the Portland team for the State Championship in Class A Basketball. Here we are again. The Hampden Broncos once again are the State Champions in Class A Basketball for the state

of Maine in Unified Basketball. This time, Mr. President, they beat the team from Lisbon. We're incredibly proud of the heritage and what's becoming a culture at Hampden Academy of winning gold balls and we're very proud of these young men who worked really hard this past season, followed in the footsteps of the State Champion Hampden Broncos and won their own gold ball. You know, people back home in Hampden, Newburg, Winterport, and now Frankfort are incredibly proud of our sports program and we're incredibly proud of these young men that worked so hard. Winterport, did I leave out Winterport? Oh I see, Senator Cushing is trying to help me with my floor speech here. I'll return the favor. Anyways, we're very proud of these young men and women and I want to suggest to you that this is probably the first of many gold balls that will be won by the Unified Basketball Team at Hampden Academy. They received a lot of recognition. We followed it on the evening news during the sports announcements. They had a wonderful season. We're proud of them. Their parents are proud of them and their entire community is proud of them. Ladies and gentlemen, I want to congratulate the Hampden Academy Unified Basketball Team on a successful season. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, thank you for allowing me a few moments to speak in recognition of this accomplishment. I don't want to, as my good colleague from Waldo, wallow around in the mire of partisan town debates here because I think it's important that we all recognize the characteristics of what athletics brings to our young people and I think it's an opportunity here to reflect upon the values and the principles that we all aspire for our young people, for our children and grandchildren, the opportunity to go on the field, work together as a team, and develop, on the court, thank you, Mr. President, and work together as a team, learning the principles of respect, the principles of supporting each other, the opportunity to gather and celebrate the things that bring us together, and the strength that you develop in high school and those relationships. I'm very proud that the students of Hampden Academy participated in this program and exhibited the sportsmanship and the character that they did in winning this success. That is something that we all, I think, appreciate in the students that are in our districts; that they go forth and are good ambassadors for our communities. With that, I would like to add my thanks for the way that you worked together as a team and for the way in which you demonstrated the goals and the characteristics of good sportsmanship on the court and off, and thank you for taking the time to come down here and allow us to honor you today.

PASSED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, To Study Options for a State Demand Response Program

H.P. 244 L.D. 357

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-75).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75).**

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

READ ONCE.

Committee Amendment "A" (H-75) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Regarding Ethanol Motor Fuel" H.P. 558 L.D. 824

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-74).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-74).**

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

READ ONCE.

Committee Amendment "A" (H-74) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities (EMERGENCY)

H.P. 73 L.D. 90

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

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
HEAD of Bethel
HYMANSON of York
MALABY of Hancock
PETERSON of Rumford
SANDERSON of Chelsea
VACHON of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-65).**

Signed:

Senators:
HASKELL of Cumberland
McCORMICK of Kennebec

Representatives:
GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
STUCKEY of Portland

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-65).**

Reports **READ.**

On motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-65) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Additional Oversight over the Management of the Department of Health and Human Services"

H.P. 245 L.D. 358

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

Signed:

Senator:
HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
PETERSON of Rumford
STUCKEY of Portland

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

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea
VACHON of Scarborough

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

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise on this bill because I believe this is a very important bill for transparency and sunshine. This is a bill, and I know not everybody has the opportunity as I do to have your folder right in front of you, but let me tell you what it is that this bill does. This bill, and the report, the Ought to Pass Report, would have three very specific positions within the Department of Health and Human Services become confirmable by this Body. That would be the Center for Disease Control and Prevention's Director, the Superintendent of the Dorothea Dix Psychiatric Center, and the Superintendent of the Riverview Psychiatric Center. These are critical positions. These are positions which have public facing elements to them in very strong ways. These are organizations and facilities within the Department of Health and Human Services that affect people's lives almost every day; their lives, their health, and their safety. I will tell you, in the list of appointments that are confirmable within the State government there is a wide variety. Most of your committees have more than one. Health and Human Services, which has about 40% of the State's budget, if I remember from my budget times, somewhere in that neighborhood, has one confirmable appointment for that large a department and that

diverse department. Within Ag, Conservation and Forestry there were eight confirmable positions or boards. Criminal Justice, there are six. Education, there are eight either boards or individuals. Energy, four. Environmental, three. Insurance, five. LCRED has 17 confirmable positions, and some of those are multiples for the boards. State and Local, three. Transportation, three. VLA, four. I could go on. Some of these positions are positions like the Mid-Coast Regional Development Authority, the Northeast Interstate Dairy Compact, the Passenger Rail Authority, the Quality of Place Counsel, the Superintendent of the Bureau of Consumer Credit Protection. I think protecting people's lives are as important as protecting their credit. The Superintendent of the Bureau of Banking, Washington County Development Authority Board of Trustees, the Commission on Indigent Legal Services, the Gambling Control Board, Harness Racing Commission, the Inland Fisheries and Wildlife Advisory Council. I want to tell you that I think that the Director of the Maine CDC and the Superintendents of the two psychiatric centers in the state of Maine rise to a level where oversight and public services are so important that the public ought to be able to weigh in. If the public can weigh in on our judges who are confirmed certainly the public weighing in on these important public services would be of value. I believe this is a timely, appropriate, and good government piece of legislation that would have these positions come before the committee of jurisdiction for review and I would urge you to vote against the pending motion. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you, Mr. President. I rise today to speak to the Ought Not to Pass Report and would like to pose a question through the Chair. How many of the positions that have been referenced in debate today are State employees as opposed to appointments of the Legislature and the Executive Branch?

THE PRESIDENT PRO TEMPORE: The Senator from Penobscot, Senator Cushing poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Haskell.

Senator **HASKELL:** Thank you, Mr. President. I'd be very glad to get that for you. I have the complete list right here that was provided by our Office of Information and I have not added them up, but I'd be glad to do so for the Senator.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Minority Ought Not to Pass Report, in Non-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 (#32)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Stimulate the Economy and Invigorate the Hunting Industry by Establishing a Pilot Project To Allow Hunting on Sundays in Limited Areas"

H.P. 548 L.D. 799

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

Signed:

Senators:

DAVIS of Piscataquis
CYRWAY of Kennebec
DUTREMBLE of York

Representatives:

SHAW of Standish
ALLEY of Beals
COREY of Windham
HILLIARD of Belgrade
LYFORD of Eddington
MARTIN of Sinclair
REED of Carmel
SHORT of Pittsfield
WOOD of Greene

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

CRAFTS of Lisbon

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

On motion by Senator **DAVIS** of Piscataquis, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Maine Property Insurance Cancellation Control Laws"

H.P. 657 L.D. 954

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

Signed:

Senators:

WHITTEMORE of Somerset
BAKER of Sagadahoc
GRATWICK of Penobscot

Representatives:

BECK of Waterville
BROOKS of Lewiston
COOPER of Yarmouth
FOLEY of Wells
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 Not To Pass**.

Signed:

Representative:

MELARAGNO of Auburn

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

Reports **READ**.

On motion by Senator **WHITTEMORE** of Somerset, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Prevent Bad Faith Assertions of Patent Infringement"
H.P. 117 L.D. 159

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

Signed:

Senators:

BURNS of Washington
VOLK of Cumberland

Representatives:

HOBBINS of Saco
GINZLER of Bridgton
GUERIN of Glenburn
HERRICK of Paris
MONAGHAN of Cape Elizabeth
SHERMAN of Hodgdon
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

JOHNSON of Lincoln

Representatives:

EVANGELOS of Friendship
McCREIGHT of Harpswell
MOONEN of Portland

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

Reports **READ**.

On motion by Senator **BURNS** of Washington, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Help Municipalities Prepare for Changes in Sea Level"

H.P. 274 L.D. 408

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-68)**.

Signed:

Senators:

LIBBY of Androscoggin
WOODSOME of York

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
EVANGELOS of Friendship

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

Signed:

Senator:

WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales
PICKETT of Dixfield
TUELL of East Machias
TURNER of Burlington

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-68)**.

Reports **READ**.

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

Senate

Ought to Pass

Senator **WHITEMORE** for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Laws Relating to Group Trusts Established by Self-insurers of Workers' Compensation Benefits"

S.P. 338 L.D. 958

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 EDGECOMB for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Improve Permit Oversight for the Cutting of Christmas Trees and Evergreen Boughs"

S.P. 91 L.D. 253

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-50).**

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

READ ONCE.

Committee Amendment "A" (S-50) **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 Strengthen the Laws Prohibiting Stalking"

S.P. 160 L.D. 431

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-49).**

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

READ ONCE.

Committee Amendment "A" (S-49) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator WHITTEMORE for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Allow the Synchronization of Prescriptions"

S.P. 284 L.D. 810

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-57).**

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

READ ONCE.

Committee Amendment "A" (S-57) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator McCORMICK for the Committee on **TAXATION** on Bill "An Act To Authorize Municipalities To Refund Amounts Collected in Excess of Tax Liens" (EMERGENCY)

S.P. 51 L.D. 118

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-55).**

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

READ ONCE.

Committee Amendment "A" (S-55) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator McCORMICK for the Committee on **TAXATION** on Bill "An Act To Sustain Maine's Primary Care Professional Workforce"
S.P. 270 L.D. 740

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-56).**

Report **READ**.

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

Senator COLLINS for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses"

S.P. 267 L.D. 737

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-58).**

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

READ ONCE.

Committee Amendment "A" (S-58) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding Aerial Pesticide Spray Projects"

S.P. 291 L.D. 817

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

Signed:

Senators:

EDGECOMB of Aroostook
SAVIELLO of Franklin
DILL of Penobscot

Representatives:

BLACK of Wilton
CHAPMAN of Brooksville
DUNPHY of Old Town
EDGECOMB of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou
NOON of Sanford
SAUCIER of Presque Isle

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

Signed:

Representative:

HICKMAN of Winthrop

Reports **READ**.

On motion by Senator **EDGECOMB** of Aroostook, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Lower the Age Requirement To Run for Legislative Office

S.P. 28 L.D. 80

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-54)**.

Signed:

Senators:

WILLETTE of Aroostook
WOODSOME of York

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
GREENWOOD of Wales
PICKETT of Dixfield
TUELL of East Machias

TURNER of Burlington

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

Signed:

Senator:

LIBBY of Androscoggin

Representative:

EVANGELOS of Friendship

Reports **READ**.

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

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

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

Senator **BRAKEY**: Thank you, Mr. President. Members of the Senate, I rise today to speak in support of L.D. 80, a Resolution Proposing an Amendment to the Constitution of Maine to Lower the Age Requirement to Run for Legislative Office. I'd like to note that the vast majority, 11 members of the State and Local Government Committee, voted that this bill Ought to Pass and the Minority Report had two members on it. For proponents of this Resolution, I hear a lot of talk about what Maine's young people cannot do. I think inherent in this argument is the human error overgeneralization. Famed journalist Dorothy Thompson once remarked, "Age is not measured by years. Nature does not equally distribute energy. Some people are born old and tired while others are going strong at 70." In short, age is just a number. While some argue about what Maine's young people cannot do, let me begin with something our young people can do. At the age of 18 you can represent your nation on the battlefields of Afghanistan, but you still are ineligible to represent your community in the halls of Augusta. Why, when you are old enough to fight and die for your country, are you not considered old enough to participate in the crafting of State policy? This bill proposes an amendment to the State Constitution lowering the age to run for State House and State Senate to 18 years of age and 21 years of age respectively.

To understand why this is a reasonable change it is worthwhile to examine the history behind the current laws establishment. The Constitution of the State of Maine currently states that you must be 21 years of age to run for the State House of Representatives and 25 years of age to run for the State Senate. Why was 21 set as the minimum age to run for office? Well, if you look to history the answer becomes obvious. There was nothing magical about the age of 21. It was simply the age you became eligible to vote. Our State Constitution was adopted in the context of the United States Constitution and the U.S. Constitution established that a citizen became eligible to vote at the age of 21. It would be a little absurd to elect someone to office who's not even eligible to cast a vote for him or herself, so setting the age to run for office on par with eligibility to vote made

simple sense. In 1971, however, we ratified the 26th Amendment to the United States Constitution, which lowered the voting age from 21 to 18, but, unlike many states, here in Maine we have never yet updated our age of eligibility to hold Legislative office, aligning it with the new eligibility to vote. Fourteen states, including neighboring New Hampshire and Massachusetts, allow citizens to run for their lower Legislative Chamber at the age of 18. A full 23 states, so nearly half of the United States, allow their citizens to run for the Upper Legislative Chamber by the time they're 21 years of age. I will note that despite this fact that you can run for Legislative office in the Upper Chamber at 21 years of age in nearly half of the states in our nation, that doesn't necessarily mean that that is a common occurrence. At the age of 26, I'm the youngest person in the country to hold office in an Upper Legislative Chamber. Just because you are making this change does not necessarily mean that it's going to happen in many cases.

Some say there is no guarantee an individual possesses the wisdom and maturity at the age of 18 to hold office. To that I respond that there is no guarantee that someone at any age possesses the wisdom and maturity to hold office. Certainly this is not a blanket rule. Just as we can all think of individuals under the age of 21 who do possess what it takes to serve diligently, I'm sure we can also think of individuals ranging in age from young to old, over the age of 21, who do not. We do not impose any test of character on these individuals except the requirement that the voters be the judge of all candidates who seek to represent them. I will point out that there are three members of this Body elected under the age of 30. While I'm too modest to sing my own praises, I will suggest that at least the other two can count themselves among the most diligent and thoughtful members of this Body, and I do not think anyone in this Body would contest that. Especially in a state that is so proud of its veterans, I believe it is time to recognize that if you are old enough to represent us on the battlefield you are old enough to represent us in Augusta. Thank you very much for the time and I hope that this Body will reject the motion of Ought Not to Pass and pass this Resolution. Thank you very much.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Aroostook, Senator Willette.

Senator **WILLETTE:** Thank you, Mr. President. I didn't have any prepared speeches or testimony to speak on this, but I do have a little bit of family experience in younger people running for office. As most of you know, my son, the Honorable Alex Willette, I can't imagine if Alex were 18, 19, or 20, telling him or feeling that I could talk him out of running for office just because of his age. I want to impress on people, if we do pass this, this doesn't mean that we're going to have a flood of 18 year old kids running for office. I think the process and the job that comes with holding office will weed out the field. I couldn't imagine, you know, my son at that age basically limiting himself for wanting to support the people of his district. Just to give you a quick rundown of some of his achievements. He was the youngest member of the 125th Legislature. The youngest member to hold a Leadership position at the age of 23. That was the youngest in the country at the time. He's also the youngest ever male member to be elected to as committee member to serve on the RNC, only to be one upped by Maine's own Ashley Ryan, who's the youngest member ever to hold a committee member seat on the RNC. The good Senator Brakey brings up a really good point. For me as a combat

veteran, talking about our young kids, 18 years you're able to go fight for your country. I can't imagine someone going to fight for their country, or serve for their country, maybe get out when they are 20, and then feel the need to represent their constituents and not be able to. I don't think that we should all be scared just because we're going to lower this age to 18. There are some very level-headed and mature 18 year olds out there that can bring a fresh new vision to this Body and the Body down the hall. I will be voting with my good friend, Senator Brakey, on this motion.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from York, Senator Valentino.

Senator **VALENTINO:** Thank you, Mr. President. Men and women of the Senate, I just rise today to kind of comment on some of the comments that I've heard about the military coming back home and being able to serve on that. I like to be consistent in some of my votes and I would say that if you refer to page 10 of your Senate Calendar today on L.D. 1219, I was a co-sponsor of this bill, "An Act to Allow Active Members and Veterans of the Armed Forces Who Are At Least 18 Years of Age and Under 21 Years of Age to Consume Alcohol at Eligible Veterans' Organization Posts and American Legion Halls." The entire committee voted unanimously not to allow people who had gone to war to drink when they came home and this Body just let this pass under the hammer. I do not feel there is any consistency in this. You're saying that, yes, you should be able to come home and run for Senate, but you can't go and have a beer, and I think they should. I just wanted to point your attention to how you're saying one thing and voting another. Me included, all of us.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Somerset, Senator Whittemore to Accept the Minority 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 (#33)

YEAS:	Senators: ALFOND, BREEN, BURNS, COLLINS, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, THIBODEAU, WHITEMORE
NAYS:	Senators: BAKER, BRAKEY, CUSHING, EDGEComb, VALENTINO, VOLK, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **WHITEMORE** of Somerset to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Bureau of General Services To Sell Certain Property to Kennebec County
S.P. 47 L.D. 114

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-52).**

Signed:

Senators:

WILLETTE of Aroostook
WOODSOME of York

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
DOORE of Augusta
EVANGELOS of Friendship
GREENWOOD of Wales
NADEAU of Winslow
PICKETT of Dixfield
TUELL of East Machias
TURNER of Burlington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-53).**

Signed:

Senator:

LIBBY of Androscoggin

Representative:

BRYANT of Windham

Reports **READ.**

On motion by Senator **WHITTEMORE** of Somerset, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-52) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 Androscoggin, Senator **MASON** to his seat on the Floor.

Senate called to order by the President.

SECOND READERS

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

House

Bill "An Act To Exempt Certain Capital Expenditures from the Maine Certificate of Need Act of 2002"

H.P. 39 L.D. 45

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE.**

Sent down for concurrence.

Senate

Bill "An Act To Add Certain Capital Goods to the Product Stewardship Exclusions"

S.P. 65 L.D. 190

Bill "An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use"

S.P. 173 L.D. 444

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Require Payment by a Carrier for Health Care Services Provided to Enrollees of the Carrier"

S.P. 58 L.D. 124

(C "A" S-47)

Bill "An Act To Amend the Law Concerning Motor Vehicles at Railroad Crossings"

S.P. 198 L.D. 529

(C "A" S-46)

Bill "An Act To Allow the Retrofit of Underground Oil Storage Tanks"

S.P. 257 L.D. 727

(C "A" S-48)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Promote Industrial Hemp

H.P. 7 L.D. 4
(C "A" H-41)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 6 Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, 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.

Emergency Measure

An Act To Provide Options to Schools for Making Up School Days

H.P. 87 L.D. 129
(C "A" H-37)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, 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.

Emergency Measure

An Act To Amend the Laws Related to Public Funding of Charter Schools

H.P. 89 L.D. 131
(C "A" H-38)

On motion by Senator **MASON** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Emergency Measure

An Act To Require Proper Notification of Life Insurance Cancellation

H.P. 152 L.D. 220
(C "A" H-39)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, 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.

Emergency Measure

An Act To Continue To Permit Persons 70 Years of Age and Older To Hunt with a Crossbow

H.P. 266 L.D. 400

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, 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.

Emergency Measure

An Act To Correct an Error in the Law That Allows a Break in Control of Access on William L. Clarke Drive in the City of Westbrook

H.P. 483 L.D. 707
(C "A" H-57)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, 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.

Emergency Resolve

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

H.P. 101 L.D. 143
(C "A" H-42)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection

H.P. 105 L.D. 147
(C "A" H-45)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services

H.P. 410 L.D. 597

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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 Regarding the Removal of Moorings and Floating Docks in Great Ponds During Ice-in Conditions

H.P. 21 L.D. 22
(C "A" H-34)

An Act To Protect Students' Rights and Privacy Regarding Their School Records

H.P. 53 L.D. 59
(C "A" H-55)

An Act To Address Recommendations from the Report by the Office of Program Evaluation and Government Accountability Regarding the Public Utilities Commission

H.P. 169 L.D. 237
(C "A" H-53)

An Act To Clarify That the Telephone Number 9-1-1 Is the Only Number Advertised or Promoted for Emergency Response Services

H.P. 233 L.D. 339
(C "A" H-44)

An Act To Expedite MaineCare Payments for School Administrative Units

S.P. 133 L.D. 350
(C "A" S-16)

An Act To Clarify Storm Water Management Standards for Expansions of Existing Projects

H.P. 261 L.D. 395
(C "A" H-46)

An Act Regarding Measures To Ensure Support for Students' Financial Literacy

H.P. 284 L.D. 417
(C "A" H-50)

An Act To Prohibit Deceptive Practices Regarding Negotiable Instruments

S.P. 184 L.D. 455
(C "A" S-17)

An Act To Change the Notification Deadline for the Nonrenewal of a Teacher's Contract

H.P. 300 L.D. 461
(C "A" H-51)

An Act To Make Minor Nonsubstantive Changes to the Laws Affecting the Office of the State Auditor

H.P. 334 L.D. 495

An Act To Amend the Health Care Practitioner Transparency Requirements

S.P. 190 L.D. 521
(C "A" S-19)

An Act To Achieve Regional Uniformity in Sulfur Standards for Heating Oil

H.P. 416 L.D. 603
(C "A" H-47)

An Act To Clarify the Requirements for Notice of the Right To Cure a Mortgage Default

S.P. 223 L.D. 630
(C "A" S-18)

An Act To Authorize the Transfer of State-owned Real Estate to the City of Belfast

S.P. 231 L.D. 638
(C "A" S-33)

An Act To Improve Access to Capital

H.P. 453 L.D. 672
(C "A" H-58)

An Act To Clarify Filing Methods for Quarterly Payroll Reports
H.P. 478 L.D. 702

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 Reduce Commercial Shellfish License Fees for Persons under 18 Years of Age

H.P. 154 L.D. 222
(C "A" H-33)

On motion by Senator **MASON** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Amend the Law Concerning Overwidth Farm Tractors on Public Ways

H.P. 202 L.D. 284
(C "A" H-31)

On motion by Senator **MASON** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Amend the Lobbyist Disclosure Procedures Law
S.P. 138 L.D. 370
(C "A" S-14)

On motion by Senator **MASON** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

An Act Regarding Prerecorded Telephonic Political Communications

H.P. 278 L.D. 412
(C "A" H-32)

On motion by Senator **MASON** of Androscoggin, 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 (#34)

YEAS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

On motion by Senator **DIAMOND** of Cumberland, 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 (#35)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, 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.

Resolve

Resolve, Directing the Finance Authority of Maine To Convene a Stakeholder Group To Develop Solutions To Reduce the Negative Effect of Student Loan Debt on Home Ownership
H.P. 230 L.D. 336
(C "A" H-30)

On motion by Senator **MASON** of Androscoggin, 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 York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, before we vote on this bill I'd just like to say homeownership is an important tool for ensuring young people to make a long term investment in our state and our economy. I just want you to think about a few things before we vote on this bill. First, seniors between the age of 65 and 74 overwhelmingly own their homes in Maine with homeownership of 81%. We also know seniors reach a point where maintaining a home is no longer feasible. In fact, the percentage of homeownership among seniors between the ages of 75 and 84 drops by ten points from the former age bracket. On the other hand, young persons making the commitment to own their home is on the decline. While nationwide home buyers' median age was 32 years old, here in Maine the median age of home buyers in 2013 was 43 years old. Student loan debt has increased from \$241 billion to \$1.1 trillion in just 11 years nationwide. Five point nine million, or 35%, of the 16.8 million households in the country pay more than \$250 per month in student loans. This bill represents an opportunity to get out in front of this issue. It represents an opportunity to bring together industry leaders in banking, real estate, finances, education, and so on who recognize the complex issue of student loan debt and its impact on home buying as one that must be addressed sooner rather than later. Thank you.

THE PRESIDENT: The pending question before the Senate is Final Passage, 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 (#36)

YEAS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, **FAILED FINAL PASSAGE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require the Documentation of the Use of Seclusion and Restraint at Mental Health Institutions in the State"
H.P. 929 L.D. 1368

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

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

Bill "An Act To Encourage the Redevelopment of Upper Floors of Buildings in Downtowns and on Main Streets"
H.P. 930 L.D. 1372

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

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 Create the Put ME To Work Program"
H.P. 932 L.D. 1373

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

On motion by Senator **VOLK** of Cumberland, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **MARINE RESOURCES** on Bill "An Act To Create an Elver Exporter's License" (EMERGENCY)
H.P. 710 L.D. 1027

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-100)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-100)**.

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

READ ONCE.

Committee Amendment "A" (H-100) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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 (4/16/15) matter:

SENATE REPORTS -from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Encourage Responsible Consumer Fireworks Use"
S.P. 117 L.D. 302

Report **"A" - Ought to Pass as Amended by Committee Amendment "A" (S-39)** (9 members)

Report **"B" - Ought to Pass** (2 members)

Report **"C" - Ought Not to Pass** (2 members)

Tabled - April 16, 2015, by Senator **ROSEN** of Hancock

Pending - **ACCEPTANCE OF ANY REPORT**

(In Senate, April 16, 2015, Reports **READ**.)

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** Report **"C", OUGHT NOT TO PASS**.

On motion by Senator **JOHNSON** of Lincoln, 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 Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd like to point out that when this bill was heard there were a number of people who testified in support and there was no one who testified against it. In particular, I'd like to share with you the testimony of B.J. Allen Company, Philip Silverman, I believe you have the green sheets on your desk which is a copy of his testimony. I will share a few of his thoughts from Mr. Silverman. He said he's a regional manager from Phantom Fireworks here today to testify in favor of L.D. 302, An Act to Encourage Responsible Consumer Fireworks Use." He went on to say that at the outset he was proud to let you know that both of their stores in Maine, particularly their Scarborough location, are among the very highest performing locations of theirs in the country and that Phantom Fireworks spends a great deal of time and resources to educate their customers on the proper way to use consumer fireworks. "In recent years, we have made an effort to expand our safety education to include a Respect Your Neighbor campaign," he said. The purpose of that was to make their customers aware of the impact that using consumer fireworks could have in their communities. One of the major points that they emphasize is being courteous to your neighbors by letting them know when you plan to have a show. He said, "We also encourage people to make any neighbors with livestock aware of the time they plan to use consumer fireworks." The last topic they stress with their customers is to make sure that they clean up after themselves by properly disposing of all the debris.

In the 126th Maine Legislature the committee considered several bills addressing the impact of consumer fireworks on livestock and they had never encountered a similar issue in any of the other states where they operate. It was an educational experience. After listening to the committee's exhaustive discussions on the issue, they came away convinced that the approach set forth in L.D. 302 is the soundest among all the options presented; specifically, rather than imposing a large arbitrary buffer around certain properties, it gives law enforcement discretion to assess on a case-by-case basis whether an individual's use of consumer fireworks is unreasonable under the circumstances. This sort of fact specific approach, they believe, can capture the problems being faced by Maine livestock owners as well as a variety of other situations where fireworks may be misused.

I will remind you that this is the testimony of a fireworks retail vendor in support of L.D. 302 in which they urge, for those reasons, the passage and support of L.D. 302. This is something which we've heard from a lot of people in the state of Maine coming in that affects their own lives, their own enjoyment of what

is so great about Maine; why we want people coming here. From my own constituents, I've heard the people who use to rent their camps to people that are now saying, "Well, I'm not sure I want to come back. I came here to enjoy a peaceful lake and watch the loons and what I got was fireworks to my left and to my right and people that didn't respect my right to enjoy what I came here for, at least part of the time." We heard, when the testimony was delivered on this bill, L.D. 302, for Criminal Justice and Public Safety, a gentleman, who is not one of my constituents but who has a camp in my district, who is a veteran and is affected by the fireworks there. His PTSD that it triggers is a serious problem for him. He no longer enjoys going there. I think we ought to respect that.

I urge your support for L.D. 302 precisely because it does as Mr. Silverman said, allows for a fact based assessment on a case-by-case basis by law enforcement whether someone is being unreasonable. There is no arbitrary definition of what is acceptable in using fireworks. It's the same sort of standard that we expect law enforcement officers to exercise every day in dealing with complaints in neighborhoods and cities and in rural Maine. I think we should give them that same ability to make those reasonable decisions to protect the interests and the rights of neighbors of people who are using fireworks when someone is not respecting their rights. For that reason, I urge your vote of No on the pending motion. Let's do that and Enact 302. Thank you.

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

Senator **GERZOFSKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I stand today in opposition to the current motion. Mr. President, I can't speak about the other parts of the bill that I would like to speak about until we get rid of Committee Amendment C. I appreciate the opportunity to get up and speak about my opposition to the pending motion though because people did come from all over the state several times over the last few years to talk to us about fireworks and how it was impacting their lives, both negatively and positively. There are some positive aspects to some of these fireworks. We should do something, we need to do something. People have been coming to us since the 125th when we started allowing fireworks and they are demanding that we take action. This committee report doesn't do that. It's Ought Not to Pass. We're back to zero again. I believe that the other two motions in front of us, that we can't talk about right now, do something. They do something positive. I would like to see us be able to move beyond Committee Amendment C and get to the real debate that we should be having with the other motions. Thank you very much, Mr. President, for the time and thank you, ladies and gentlemen of the Senate.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen to Accept Report "C", Ought Not to Pass. 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 (#37)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ACCEPT** Report "C", **OUGHT NOT TO PASS, PREVAILED.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/21/15) matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Local Share of Education Costs" (EMERGENCY)
S.P. 170 L.D. 441

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-45)** (1 member)

Tabled - April 21, 2015, by Senator **LANGLEY** of Hancock

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, April 21, 2015, Reports **READ.**)

On motion by Senator **LIBBY** of Androscoggin, 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 Androscoggin, Senator Libby.

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise today in opposition to the pending motion. The Minority Report, this legislation will help low income school districts and their property taxpayers over the next few years by blunting the State mandated increase in local education costs over the next three years. For several years it was the State's policy to provide a waiver from penalty for school districts that didn't meet their minimum local share of education spending. The rationale for this, as we all know the State has not met its commitment to fund schools at 55%. This waiver that was in place recognized that if the State wasn't meeting its required share that local districts that weren't meeting their required share

by the same percentage wouldn't be penalized. This was a practical policy, recognizing that despite the EPS formulas numerous accommodations for variety among school districts and their property taxpayers, and would recognize that the local share calculation wasn't perfect and that limited exceptions can and should be made for school districts in unique and difficult situations. The 126th Legislature eliminated this waiver through a three year phase out. Most districts are now in the second year of that phase out and are very close to meeting 100% of their local minimum required share, but for the current upcoming year many municipalities will see a severe spike in their property tax rates caused by this final year of the phase out.

My local budget was recently presented and it's calling for a \$1.2 million increase to Lewiston taxpayers to meet the final year of the phase out required by the State. A \$1.2 million increase this year is a 6.5% increase in our school budget alone. To give you a sense of how we've dealt with that locally, we've had to make severe cuts to the city side of the budget. We've made cuts to personnel, cuts to road funding. Municipal revenue sharing cuts over the last year haven't helped. Increased State unfunded mandates haven't helped either. Going forward, if nothing changes, the average Lewiston property taxpayer, that is the average family that owns a \$150,000 home, is going to be required to pitch in an extra \$220 just for this year's increase in education spending.

The Minority Report recognizes that school districts have made significant progress in meeting the minimum local share of education funding in the second and third year of the phase out. This legislation provides an additional three years to get over that final hump. This bill actually would only affect a very limited number of school districts. It would help districts of Auburn, Augusta, Biddeford, Lewiston, Waterville, RSU 9, RSU 17, RSU 33. Given this limited number to which this piece of legislation would apply, and given the severe property tax increases that residents, the elderly, and young families are going to have to absorb this year, I'd say that this legislation is a fairly practical policy. It's a humane policy. It allows those districts that are going to see a huge spike in their property tax increase this year to have a little bit of breathing room. I thank you, Mr. President and members of the Senate for your time this morning, this afternoon. I would ask you to vote against the current motion.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill seeks to extend the phase in by two more years. It disrupts the momentum districts have achieved in their efforts to reach the required local share. If we go backwards now we may never catch up. Our school boards, our superintendents, our principals, our teachers, and a supermajority of the Education Committee opposed this bill. In 2013 we passed legislation that assured all districts, over a reasonable three year period, would be investing the minimum required amount for adequate education for our students. There was considerable discussion leading to this decision. The Education Committee recognizes that, as currently proposed in the budget, the mill rate is projected to increase substantially and, as such, the Committee, as a whole, supports additional State funding to minimize the increase in the mill rate, although to varying levels. We are working hard to get the State investment to its required level and our districts need to be encouraged to do

so as well. It's the right thing to do for public education. It's the right thing to do for our children.

At the request of Senator **LANGLEY** of Hancock, Reports **READ**.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, my question I would ask is sort of rhetorical in nature. Why would we continue to have a formula that would adequately fund education in our schools if we're not going to use that formula? We have that in place and there are some schools that continually have underfunded. We recognize the implications of that back in the 126th when Representative Maker put in her bill and put in a three year phase out, or phase in, of this proposal, a phase out of the waiver. Folks have known about that and my guess is that in two more years you would see folks back here looking to extend this into perpetuity. I would ask that you support the Majority of the Education Committee and vote on the Ought Not to Pass. Thank you very much.

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. 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 (#38)

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

NAYS: Senators: BRAKEY, CYRWAY, DUTREMBLE, KATZ, LIBBY, SAVIELLO

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/21/15) matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Concerning the Calendars of Career and Technical Education Programs and Partnering Schools"

S.P. 230 L.D. 637

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-44)** (5 members)

Tabled - April 21, 2015, by Senator **LANGLEY** of Hancock

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, April 21, 2015, Reports **READ**.)

On motion by Senator **DILL** of Penobscot, 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 Penobscot, Senator Dill.

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I have been a member of the Board of Directors for UTC, which is the United Technology Center, which is the local CTE, which is the Career and Technical Education School in Bangor, for the past 19 years and Chair for the past 5 years. One of our biggest challenges at UTC in the most recent years has been trying to align our calendars to have no more than five days not in common, which is what the law states. We have seven sending schools. What this means is that when you have a regional CTE the neighboring high schools send their students to this if they so desire. In the case of UTC, we have Brewer, Old Town, Orono, Hampden, Hermon, Bangor, and Central. Those are our seven major sending schools, but we also have John Bapst and Bangor Christian, which only send a couple of students to us each year. Technically, we have nine but we look at seven as the major players. The way the calendar works is the sending schools must put their calendars together and try to make sure, again, that there is no more than five days out of alignment. If you have maybe three sending schools or four sending schools this may not be too difficult because the law says, again, five days out of alignment. It may not be as difficult if you have only got three or four sending schools, but when you have six, seven, or more this becomes quite a task. Although we try hard to accomplish this requirement, we have succeeded in getting down to maybe seven or eight days each year out of alignment. Now admittedly, we can request a waiver from the Department of Education and to date the DOE has honored that request. However, the concern is that at some point the DOE is not going to honor that request and the penalty is severe. The penalty is 100% of your State subsidy will not be given to all of the sending schools. If you're out of whack, that's 100% of your allotment from the State that can be held back until you become in alignment.

As we move forward what is happening, the new testing systems, Smarter Balances, come into play and we have two to three months of time that will be allotted to testing. Over that period of time, in this case, the seven sending schools may not line up very well when they choose to actually do their testing. That exacerbates our problem about trying to align the different dates. I also realize, as a teacher at CTE, it's kind of difficult when a teacher has missing students from class because that student, or those students, may get behind. However, many of

the sending schools do encourage their students to attend. Even as long as the CTE is in session they encourage their students to attend. However, not all school systems are set up to be able to bus their students there so, yes, there can be some missing students.

This bill, what it does is gives us a little more local control with our calendars rather than being dictated by the State. If the State wants to control the calendars than maybe what they need to do is look and have common days; common starting date or maybe certain days that are obligated to in-service training days during the school year. What basically this bill does is changes the calendar as follows: if you have three or fewer sending schools than it's five days. If you have four or five sending schools than it's six days. If you have six or more sending schools than you can be out of alignment by seven days. Seven days, at least for us, is much more approachable and, hopefully, doable than being five days. It seems to be, to me, a fairly innocuous bill, but important nonetheless. Thank you for your attention.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I would rise and ask you to support the Majority Ought Not to Pass Report on this. My testimony today and my floor speech comes from spending nearly 30 years in the classroom in a CTE, trying to reach all students and deliver to them quality education. Frankly, this is an adult problem with the calendars. We could go weeks and weeks on end, because of dissimilar calendars, of not having a full classroom of students to teach and we have a requirement of 350 contact hours in the CTE course list. That is 350 hours before people can sit for their welding exams. They have to have 100 clinical hours before you can have CNAs be qualified for their boards to become CNAs.

Frankly, this really is an adult problem, sitting down to work out the schedules. I called the person who probably has the hardest time of all with calendars and schedules, that's Mike Johnson, the Director of PATC, the Portland Arts and Technology Center. Mike Johnson told me last week he has 23 schools, nine separate calendars, to deal with. Frankly, Mr. President, they are going to be within those five days this year. As the adults, here's what they did. He told me, "We aligned our schedules around our vacations. When did we go on Christmas break? Thanksgiving break? Days before April and February vacations. That cleared up five dissimilar days just in that one act." Then they talked about when they were going to have their teacher workshop days. They sat and picked common days for that and another five days were wiped off the calendar. Frankly, some of the benefits of having common days in the district, they have a regional approach to doing professional development. They can send their teachers to other schools. The benefits of having a regional calendar abound. Men and women of the Senate, I would suggest to you that if they can do it and get within five days in Portland with all of the schools that they've got to deal with, a little more work by the adults and the other schools will come into compliance as well. Thank you very much.

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

Senator **MILLETT**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to this motion. Every year school districts across the state engage in the grueling process of setting school calendars. I can say grueling because I experienced this exercise for over 6 years as a school board member. There are certain things that stand out from one's service on a school board, and certainly budget preparation is notable, but the memory of trying to align the goals of instruction time, professional development time, assessments, school holidays, and regional career or technical schools is equally vivid. It is an unforgiving process which often, if not always, leaves one or more stakeholders unhappy. Current law punishes districts that have more than five dissimilar days in their school calendar, yet each school has its own plan for teacher evaluation, professional development, proficiency based instruction, assessments, and Maine standard professional development. The number of school days differ. First and last days of schools differ. Teacher contracts differ. Punishing districts by withholding State funding for being unable to match up all of these schools is unrealistic and unreasonable. Unfortunately, I'm going to have to disagree with the good Senator. Portland has yet to match the five days and continues to struggle year after year to do so. This bill recognizes the challenge of combining calendars as the number of participating school administrative units increase. It is a practical approach which recognizes the hard work that is going on within the districts and continues to reinforce the importance of consistency. I hope you will join me in opposing this motion.

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. 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 (#39)

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

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

ABSENT: Senator: KATZ

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/21/15) matter:

Bill "An Act To Improve the Maine Administrative Procedure Act" H.P. 922 L.D. 1354

Tabled - April 21, 2015, by Senator **WHITEMORE** of Somerset

Pending - **REFERENCE**

(In House, April 21, 2015, **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.

Off Record Remarks

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

On motion by Senator **DAVIS** of Piscataquis, **ADJOURNED** to Wednesday, April 29, 2015, at 10:00 in the morning.