

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
May 19, 2015

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

Prayer by Pastor Richard Berry, Trinity Evangelical Free Church
in Skowhegan.

PASTOR BERRY: Good morning. I'd like to say something before I pray and I'll only take a second. Don't get scared. I started reading some of your signs. I've never been in here before. If I act a little strange that's because I'm strange. I read one of the signs out there. You know, I was amazed. I didn't realize it, but some of our Senators are guys just like me. We have everything from lawyers to a chef. I'm an old logger before I became a pastor. Also we started a homeless shelter and we feed a hundred people a day, around 400 in our community, families. Sometimes I wonder how we do all of that. Then I saw another sign in one of the other offices. You know what it said in there? In God we trust. Touched my heart when I saw that. It reminded me of King Ralph, the movie. I don't know if you ever saw that. At one moment it went from a comedy and he got his point across. He touched me deeply with that foolish little movie. What it was that King Ralph was just funny before that. He said, "I thought my job was just riding around and waving, eat candy." Then the guy ahead of him tells him, "You have responsibilities." He said, "Well, what's my responsibility?" He said, "It's like no other in the world." It was responsibility God should have, but he's entrusted that with a man. Our state, when I read that thing, we entrusted our state, I've entrusted my homeless shelter, myself, and my family, to you folks. You have a job that probably should be for God, but you are so privileged to be entrusted with it, as men and women. It's a service. It's a long way from waving when you ride by. I'm depending on you to take care of me and my family and my shelter. I know you can do it because in God we trust. Let us pray.

Our Father, God, thank You for these men and women that You called out. You said that You set up government for a purpose, and that's to take care of us, to seek out good, to take care of evil. These folks are entrusted with a tremendous trust from You. They are not God, they are just men and women who have been called out to serve, but they are trusting in God. I'm asking You today, please Father, give them wisdom. Just put a big mirror in front of them and say, "Here's the service." I know it's overwhelming, but I didn't call out just the hierarchy, I called out from the chef to the lawyer, to the logger, to the mill worker, and I placed in their trust this state. God, I believe these men and women can do an awesome job when empowered by You. Thank You for the honor of being here and praying on their behalf. Help them, Lord, to take care of me and everyone else in the state of Maine. To You goes the glory. In the name of Jesus, Amen.

Pledge of Allegiance led by Senator David E. Dutremble of York County.

Reading of the Journal of Thursday, May 14, 2015.

Doctor of the day, Rebecca Chagrasulis, MD of Otisfield.

Off Record Remarks

Members and staff were allowed to remove their jackets for the remainder of this Legislative Day.

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

Off Record Remarks

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (4/23/15) matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing the Portland Junior Pirates U-18 Boys Premier Team
SLS 330

Tabled - April 23, 2015, by Senator **VOLK** of Cumberland

Pending - motion by same Senator to **PASS**

(In Senate, April 23, 2015, **READ**.)

The Joint Order was **READ**.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to give you a few highlights. We do have some members of the team, as well as one of the captains and coaches, here today. This is the other team from the Junior Pirates organization that won a national championship. We were the only state to send two teams to win a national title. It's pretty amazing for a tiny little state like ours to

have that achievement. These players actually come from all over the country, believe it or not. Most of them are from Maine, but others are from Nevada, Utah, Pennsylvania, Ohio, and New Hampshire. They won the Maine Amateur Hockey Association's State Championship and that's what sent them to nationals. Their statistics were that they had 17 wins, no losses, one tie, 70 goals, only allowed 12 goals, and no goals in the playoffs. At the nationals in Troy, Michigan they won five games to win the National Championship in overtime against the Charlotte Checkers from North Carolina. Throughout the tournament they scored 33 goals for themselves and only allowed four. They played teams from Georgia, Wyoming, Utah, California, and North Carolina. This is quite a group of guys and I'm very pleased that they could join us today. Those of you that are present, I'll send you notes so you'll know the players that are here if you want to go over and greet them personally. It's just my pleasure to be hosting them today.

On motion by Senator **VOLK** of Cumberland, **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber the U-18 Boys Premier Hockey Team, coached by Alfred Michaud and Captain Jason Harmon. Would they rise and accept the greetings of the entire Maine Senate.

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (5/13/15) matter:

JOINT RESOLUTION - Memorializing Brian Keith Mello of Poland
SLS 451

Tabled - May 13, 2015, by Senator **BRAKEY** of Androscoggin

Pending - motion by same Senator to **ADOPT**

(In Senate, May 13, 2015, **READ**.)

The Joint Resolution was **READ**.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today to speak to this Joint Resolution memorializing the life of Brian Keith Mello of Poland. I cannot possibly, in such a short time, do justice to summarizing a life well lived, but I will endeavor to at least give a few of my thoughts and memories. Many of us knew Brian Mello as the husband of Senator Lois Snowe-Mello. There's an old saying in politics that behind every great man is a great woman. Well, I would never dispute that claim. In this case the reverse was absolutely also true. Behind this great woman was a great man and his name was Brian Mello. We may know Brian for his volunteer work in politics. He did serve as the treasurer for all of Senator Snowe-Mello's campaigns. There was also more to him than that. He was born in Lewiston in 1943 and graduated from Freeport High School in 1961. From his first marriage, he had three children; Tracy, Bruce, and Jason. He was an

outdoorsman and in his younger years he often took his children fishing in Harraseeket Bay and in the ponds and streams of Freeport. Lois and Brian married in 1990 and, as one of his sons told me while visiting with Brian in hospice, "Lois took him in and civilized him." Among Brian's many passions was writing children's stories. One of his stories was even published in a popular children's magazine. Also those who knew Brian personally knew he had a great sense of humor and a dry wit. You couldn't talk with him too long before realizing that. We're all going to miss Brian. He was a personal friend and his was a life well lived. With us today are Brian Mello's wife, Lois Snowe-Mello; his daughter, Tracy; and her husband, Jay. I thank them for joining us today.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I, too, stand to offer some words to memorialize Brian Keith Mello. I offer my condolences and prayers for my friend and former colleague Lois Snowe-Mello and her family. In this Body you develop friendships along the way. One of the things that I will say is that, both in the House and in the Senate, I became friends with former Representative and former Senator Lois Snowe-Mello. We had many laughs along the way. We became friends going to one of the economic development tours. We made one another laugh. I had the occasion a couple of times to meet Brian at events, like the hunting and fishing events that SAM put on and I feel blessed to have that honor, to have met him, because they both complimented one another. I offer my prayers and condolences to Lois and her children for the great loss of their loved one and pray that he will find eternal peace and that they will have the fond memories of a life that was well deserved and well blessed with their many blessings. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise, too, to offer my condolences to the Mello family and also to add some comments. I knew Brian, as many of us did, through his support and his involvement in the political process because of Lois' passion. He reminds me a lot of my Dad. My Mom was very active, as many of you know, and he was that quiet stalwart that was always there to do what needed to be done. He was an individual who exemplified his support of his wife and his family by how he did things. We need more of those examples in life, Mr. President. I think, as we look at the difficulties health-wise that Brian encountered later in life, Lois was a true stalwart for him too. She and his family were there and those are things, Mr. President, that we should exemplify more in life. I rise today to offer my condolences to Senator Snowe-Mello and her family and to celebrate this amazing individual. Thank you, Mr. President.

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

Senator **MASON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to add my voice to the condolences that were expressed this morning about Brian Mello.

I think the Senator from Androscoggin, Senator Brakey, said it well when he said that behind every great woman is an even greater man. That was certainly the case with Brian. I knew Brian for a very long time and he was a tireless advocate not only for his wife but for the state of Maine. He loved this state. He advocated tirelessly for the principles that he believed in. I know that he will be sorely missed by his wife, Senator Snowe-Mello, and his family and certainly by members of this Body. Everybody knows that when you join the legislature you join a family. This family may have its arguments every once in a while, but when one grieves we all grieve. My heart goes out to Senator Snowe-Mello and her family and I wish them the best. Thank you, Mr. President.

On motion by Senator **BRAKEY** of Androscoggin, **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber today the Honorable Lois Snowe-Mello and Tracy Smith. They are the guests today of the entire Senate. Would they please rise and accept the condolences of the Maine Senate.

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

The members of the Augusta Fire Department's C shift, who were presented with a Meritorious Unit Citation for their response to a major fire in Augusta that rapidly and completely consumed an 18-unit apartment building. The firefighters helped all 23 residents, including elderly and disabled persons, escape the fire. Members of the shift include Jason McKinnon, James Baldwin, Mic Poirier, William Lord, Nicholas Edgar, Dustin Freeman, Nicholas Whitmore, Lieutenant Brian Chamberlin and Battalion Chief Steve Leach. Mr. Poirer also received a Medal of Valor for rescuing a disabled resident from a smoke-filled apartment. We extend to these firefighters our appreciation for their selfless actions;

SLS 474

Sponsored by Senator KATZ of Kennebec.
Cosponsored by Representatives: DOORE of Augusta, FOWLE of Vassalboro, POULIOT of Augusta.

READ.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, on the morning of December 5 this past year I got a call from my future son-in-law, Adam. He's a firefighter in Richmond, Virginia. He had seen on CNN the scene of fire in

Augusta, Maine where a building had caught on fire at about 2 a.m. and, essentially, burned to the ground. An 18 unit, four story apartment. His question to me in the text was; how many people died? I was happy to get back to him, Mr. President, and say; none. The reason that nobody died in that fire was some extraordinary work by a bunch of people, including neighbors, but primarily, Mr. President, the work of the Augusta Fire Department. At 2 a.m. they got to the scene. Everybody was asleep and, as the sentiment indicates, several of them were elderly. Some of them were disabled. We all look for miracles from God and I think this is one of those, but God had a lot of help that day from these fine, brave people. Sometimes we hear people say that we have a tough job here in the Senate and all the responsibilities we have, but, boy, you know when you look at the work that these men and their comrades all around the state and the country do every day it kind of puts our work in perspective. Mr. President, these men are members of a fine fraternity. I'm sure you have members in your own districts that do incredible work, but when people say: "What are you most proud of about living in Augusta?" one of the things I always talk about is the men and women of the Augusta Fire Department. I thank you, Mr. President, for taking this out of order early in the session so that these men can get back to doing what they do best, and that's protecting us. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber today Battalion Chief Steve Leach; Lieutenant Brian Chamberlin; firefighter and paramedics Jason McKinnon, Dustin Freeman, Mic Poirier, and Nicholas Whitmore. Would they please rise and accept the greetings of the Maine Senate.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "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)

In Senate, April 28, 2015, **PASSED TO BE ENACTED**, in concurrence.

In House, May 12, 2015, **RECALLED** from the Governor's Desk, pursuant to Joint Order H.P. 948.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34) AS AMENDED BY HOUSE AMENDMENT "A" (H-137)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **DAVIS** of Piscataquis, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Eliminate the Requirement That Truck Campers Be Registered" S.P. 476 L.D. 1308

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

Minority - **Ought to Pass** (5 members)

In Senate, May 13, 2015, on motion by Senator **COLLINS** of York, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **COLLINS** of York, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

House Papers

Bill "An Act To Allow a Victim of a Crime To Be Represented by an Attorney at a Sentencing Hearing" H.P. 960 L.D. 1413

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY**.

On motion by Senator **ROSEN** of Hancock, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Fund a Training Partnership between Riverview Psychiatric Center and the University of Maine at Augusta" H.P. 959 L.D. 1412

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 Regarding Interstate Shellfish Depuration" (EMERGENCY) H.P. 962 L.D. 1416

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.

Joint Order

The following Joint Order:

H.P. 963

ORDERED, the Senate concurring, that Bill, "An Act Regarding Ethanol Motor Fuel," H.P. 558, L.D. 824, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ.

On motion by Senator **MASON** of Androscoggin, the Joint Order **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Joint Resolutions

The following Joint Order:

H.P. 804

**JOINT RESOLUTION
MAKING APPLICATION TO THE CONGRESS OF THE
UNITED STATES CALLING A CONVENTION OF THE STATES
TO PROPOSE AMENDMENTS TO THE UNITED STATES
CONSTITUTION TO IMPOSE FISCAL RESTRAINTS, LIMIT
FEDERAL POWER AND IMPOSE TERM LIMITS**

WHEREAS, the United States Constitution empowered state legislators to be guardians of liberty against future abuses of power by the Federal Government; and

WHEREAS, the Federal Government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, the Federal Government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, the Federal Government has ceased to live under a proper interpretation of the United States Constitution; and

WHEREAS, it is the solemn duty of the states to protect the liberty of the American people, particularly for the generations to come, by proposing amendments to the United States Constitution for the purpose of restraining these and related abuses of power; now, therefore, be it

RESOLVED: That the Legislature of Maine respectfully applies to the Congress of the United States to call a convention for the specific and exclusive purpose of proposing amendments to the United States Constitution that impose fiscal restraints on the Federal Government, limit the power and jurisdiction of the Federal Government and limit the terms of office for federal government officials and members of Congress; and be it further

RESOLVED: That this application by this body constitutes a continuing application in accordance with the United States Constitution, Article V until at least two-thirds of the legislatures of the several states have made similar application pursuant to Article V but, if Congress proposes an amendment to the United States Constitution identical in subject matter to any of the 3 subject matters contained in this Joint Resolution, this application for a constitutional convention is no longer of any force or effect for that subject matter; and be it further

RESOLVED: That this application is void, rescinded and of no effect in the event that such a convention is not limited to such specific and exclusive purposes; and be it further

RESOLVED: That this body proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of appropriate amendments to the United States Constitution or requiring the Congress to call a constitutional convention for proposing such amendments to the United States Constitution; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Secretary of the Senate and presiding officers of both houses of the legislatures of each of the several states in the nation, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate and each member of the Maine Congressional Delegation.

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

READ and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

The following Joint Order:

H.P. 956

**JOINT RESOLUTION
MAKING APPLICATION TO THE CONGRESS OF THE UNITED
STATES CALLING A CONSTITUTIONAL CONVENTION TO
PROPOSE AN AMENDMENT TO THE UNITED STATES
CONSTITUTION REGARDING THE STATUS OF
CORPORATIONS AS PEOPLE AND THE ROLE OF MONEY IN
THE ELECTION PROCESS**

WHEREAS, the rights of corporations and artificial entities are subordinate to the rights of natural persons, as corporations and artificial entities are the creation of government for the purpose of promoting the life, health and general welfare of the

public and may be regulated, modified or abolished by the government to accomplish that purpose; and

WHEREAS, the spending of money to influence elections is not speech under the First Amendment of the United States Constitution and may be reasonably regulated by federal, state and local government in order to prevent the appearance or reality of corruption and to promote a greater balance, participation and equality of citizens in the electoral process; and

WHEREAS, we believe the United States Constitution must be amended to safeguard access to the political process for all citizens of the United States regardless of income; and

WHEREAS, under the United States Constitution, Article V, the Congress of the United States, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the United States Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments that, in either case, shall be valid to all intents and purposes, as part of the United States Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; now, therefore, be it

RESOLVED: That the Legislature of Maine respectfully applies to the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the United States Constitution, in 2 sections, that reads:

1. The rights of corporations and artificial entities are subordinate to the rights of natural persons. Corporations and artificial entities are the creation of government for the purpose of promoting the life, health and general welfare of the public and may be regulated, modified or abolished by the government to accomplish that purpose.

2. The spending of money to influence elections is not speech under the first article of amendment to the Constitution of the United States and may be reasonably regulated by federal, state and local government in order to prevent the appearance or reality of corruption and to promote a greater balance, participation and equality of citizens in the electoral process; and be it further

RESOLVED: That, for the purposes of calling a constitutional convention, this application must be adjudged as covering the same subject matter as any other application from another state addressing any of the following: safeguarding access to the political process for all natural persons who are citizens, abridging corporate constitutional rights, using money to influence politics and overturning the United States Supreme Court case Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), irrespective of the terms of those applications, and must be aggregated with them for the purpose of reaching the two-thirds of states necessary to require the calling of a convention for proposing amendments; and be it further

RESOLVED: That this application by this body constitutes a continuing application in accordance with the United States Constitution, Article V until at least two-thirds of the legislatures of the several states have made similar application pursuant to Article V but, if Congress proposes an amendment to the United States Constitution identical in subject matter to that contained in this Joint Resolution, this application for a constitutional convention is no longer of any force or effect; and be it further

RESOLVED: That this application is void, rescinded and of no effect in the event that such a convention is not limited to such a specific and exclusive purpose; and be it further

RESOLVED: That this body proposes that the legislatures of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the United States Constitution or requiring the Congress to call a constitutional convention for proposing such an amendment to the United States Constitution; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Secretary of the Senate and presiding officers of both houses of the legislature of each of the several states in the nation, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate and each member of the Maine Congressional Delegation.

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

READ and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 316

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

May 13, 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 Education and Cultural Affairs has had under consideration the nomination of Noa Ann Sreden of Bath, for appointment to the State Board of Education.

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 | Langley of Hancock, Edgecomb of Aroostook, Millett of Cumberland |
| | Representatives | 9 | Kornfield 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 |

NAYS 0

ABSENT 1 Rep. Pouliot of Augusta

Twelve 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 Noa Ann Sreden of Bath, for appointment to the State Board of Education be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 (#71)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BRAKEY, BURNS,
COLLINS, CUSHING, CYRWAY, DAVIS,
DIAMOND, DILL, DUTREMBLE, EDGECOMB,
GERZOFKY, 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

EXCUSED: Senator: BREEN

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 **Noa Ann Sreden** of Bath for appointment to the State Board of Education was **CONFIRMED**.

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

The Following Communication: S.C. 317

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE PRESIDENT**

May 13, 2015

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

Dear Secretary Priest:

Pursuant to my authority under Title 5, MRSA, Chapter 163, §2003 I am pleased to re-appoint Aaron Weston to the Maine Library of Geographic Information Board as the member representing geographic information vendors.

If you have any questions regarding this appointment please do not hesitate to contact my office.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 319

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

May 13, 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. Malaby of Hancock, to report the following bill Leave to Withdraw:

L.D. 1403 An Act To Require Licensed Mental Health Professionals To Receive Training in Suicide Risk Assessment

Sincerely,

S/Sen. Amy Volk
Senate Chair

S/Rep. Erin Herbig
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 318

**STATE OF MAINE
OFFICE OF THE STATE AUDITOR
66 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0066**

LETTER OF TRANSMITTAL

Honorable Michael D. Thibodeau
President of the Senate

Honorable Mark W. Eves
Speaker of the House of Representatives

Honorable Paul R. LePage
Governor of Maine

I am pleased to submit the State of Maine Management Letter for the year ended June 30, 2014. In the course of conducting the Single Audit of the State of Maine, we became aware of matters that offer opportunities for our government to improve its operations. Audit findings and recommendations on these matters accompany the Management Letter as Management Letter Comments.

Please feel free to contact me with any questions that you may have. Like you, we are committed to improving our State government for the benefit of our citizens. Healthy discussion of problems found, and solutions considered, are part of a dialogue that aims at improvement. I welcome your thoughts and inquiries on these matters.

Respectfully submitted,

S/Pola A. Buckley, CPA, CISA
State Auditor
May 7, 2015

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 320

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

15 May 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 373 "An Act To Allow a Moose Permit To Be Transferred to a Family Member."

This bill would authorize a person who receives a moose permit to transfer this permit to a family member, with "family" being defined as a "spouse, child, stepchild, grandchild, parent, grandparent, stepparent, brother, sister, half-sister, half-brother or adopted child." I often hear complaints that Maine's hunting and fishing laws are too complicated and this bill simply compounds this problem by adding yet another wrinkle to our hunting laws. More to the point, I also hear complaints from constituents who are frustrated that after applying for years, they are never drawn in the moose lottery. This bill, however, opens up a brand new avenue for families to engage in new schemes concerning the moose lottery to try to game this system in new and innovative ways.

It is time we stop legislating for that one exceptional circumstance only to create a whole host of new, unintended consequences; and that is the only thing I see flowing from enactment of this bill. For this reason, I return LD 373 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Allow a Moose Permit To Be Transferred to a Family Member

S.P. 141 L.D. 373

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, this bill, as was written and as was presented to the committee, had some flaws due to my unfamiliarity with the entire moose permit process, but this

committee guided me through. Several Senators were quite helpful, addressed some concerns, tried to narrow the definitions, and made this a bill that helped the Commissioner to be able to decide certain cases that would allow humanitarian transfer. That's really what it came down to. Instead of an over-reaching or broad definition, the Commissioner gets a request. He has to look within a certain specific set of circumstances and he may award this transfer just on a case by case basis. He was grateful for this permission, as he had seen some cases, where for someone when it meant so much to them and their life was short, and he wanted a mechanism and he no way in order to do that. This satisfied everybody. It went through the committee. Came out unanimous after quite a lot of work. A real bipartisan effort and a real spirit of comradery. I really applaud that. Thank you and I appreciate this going through and would like to Override this veto. Please join me. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. I would simply echo what my good friend from Knox just said. The law will be changed to say that the Commissioner, in cases involving exceptional extenuating circumstances. In order words, it's going to have to be a real good reason for this to happen. I would urge that you follow my light. Thank you.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#72)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, 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

EXCUSED: Senator: BREEN

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, and 34 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

The Following Communication: S.C. 321

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

15 May 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 377 "An Act To Continue the Visual and Digital Media Loan Program and the Visual and Digital Media Loan Fund."

The Visual and Digital Media Loan Program was established in 2011 and it is set to expire at the end of this year. LD 377 would extend the sunset date to December 31, 2018. This program allows the Department of Economic and Community Development (DECD) to provide loans to productions of up to \$500,000 per project.

Since 2011 there has not been one production seeking access to the program either through DECD or the Finance Authority of Maine (FAME). The program has never been funded and LD 377 seeks to continue the program without appropriating any funds. This piece of legislation is simply a "feel good" bill. Either we fund it or get rid of it. Doing neither one makes no sense.

The Maine Film Office reports an increase in film production in Maine of more than 200 percent over the past two years adding more than \$10 million in spending to Maine's economy. All of this took place while the Visual and Digital Media Loan Program sat on the books unfunded and attracting no inquiries from the private sector.

Extending this program is unnecessary and for this reason I return LD 377 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying 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

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

SENATE PAPERS

Bill "An Act Regarding Participation by Private School Students in Extracurricular and Interscholastic Activities at Public Schools" (EMERGENCY)

S.P. 531 L.D. 1420

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative KRUGER of Thomaston and Senators: LANGLEY of Hancock, LIBBY of Androscoggin, MILLETT of Cumberland, PATRICK of Oxford, Representatives: KORNFIELD of Bangor, TIPPING-SPITZ of Orono.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 Expand Access to Workforce Development at Brunswick Landing"

S.P. 532 L.D. 1423

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative HERBIG of Belfast and Senators: ALFOND of Cumberland, DIAMOND of Cumberland, HASKELL of Cumberland, KATZ of Kennebec, MASON of Androscoggin, PATRICK of Oxford, VOLK of Cumberland, Representative: GIDEON of Freeport.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

ORDERS

Joint Orders

On motion by Senator **WHITTEMORE** of Somerset, the following Joint Order:

S.P. 533

ORDERED, the House concurring, that, notwithstanding Joint Rule 353, the Maine Health Exchange Advisory Committee, referred to in this order as "the advisory committee," is established to advise the Legislature regarding the interests of individuals and employers with respect to any health benefit exchange, referred to in this order as "the exchange," that may be created for this State pursuant to the federal Patient Protection and Affordable Care Act.

1. Appointments; composition. The advisory committee consists of 19 members appointed as follows:

A. The following 5 members of the Legislature, of whom 3 members must serve on the Joint Standing Committee on Insurance and Financial Services and 2 members must serve on the Joint Standing Committee on Health and Human Services or the Joint Standing Committee on Appropriations and Financial Affairs:

Two members of the Senate, appointed by the President of the Senate, including one member recommended by the Senate Minority Leader; and

Three members of the House of Representatives, appointed by the Speaker of the House of Representatives, including one member recommended by the House Minority Leader;

B. Two persons representing health insurance carriers, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives;

C. One person representing dental insurance carriers, appointed by the Speaker of the House of Representatives;

D. One person representing insurance producers, appointed by the President of the Senate;

E. One person representing Medicaid recipients, appointed by the Speaker of the House of Representatives;

F. Two persons representing health care providers and health care facilities, including one member representing federally qualified health centers, appointed by the Speaker of the House of Representatives;

G. One person who is an advocate for enrolling hard-to-reach populations, including individuals with mental health or substance abuse disorders, appointed by the President of the Senate;

H. One member representing a federally recognized Indian tribe, appointed by the President of the Senate;

I. One member who has expertise in tax matters, appointed by the President of the Senate; and

J. Four members representing individuals and small businesses, including:

One person, appointed by the President of the Senate, who has purchased or can reasonably be expected to purchase individual coverage through an exchange with the assistance of a premium tax credit and who can reasonably be expected to represent the interests of consumers purchasing individual coverage through the exchange;

One person, appointed by the Speaker of the House of Representatives, representing an employer that has purchased or can reasonably be expected to purchase group coverage through an exchange and who can reasonably be expected to represent the interests of such employers;

One person, appointed by the President of the Senate, representing navigators or entities likely to be licensed as navigators; and

One person, appointed by the Speaker of the House of Representatives, employed by an employer that has purchased or can reasonably be expected to purchase group coverage through an exchange and who can reasonably be expected to represent the interests of such employees.

The President of the Senate and the Speaker of the House of Representatives shall invite the Superintendent of Insurance, or the superintendent's designee, and the Commissioner of Health and Human Services, or the commissioner's designee, to participate as ex officio nonvoting members.

2. Chairs. The first-named Senator is the Senate chair of the advisory committee and the first-named member of the House of Representatives is the House chair of the advisory committee.

3. Appointments; convening. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the advisory committee shall call and convene the first meeting of the advisory committee. If 30 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the advisory committee to meet and conduct its business.

4. Duties. The advisory committee shall:

A. Advise the Legislature regarding the interests of individuals and employers with respect to any exchange that may be created for this State;

B. Serve as a liaison between any exchange and individuals and small businesses enrolled in the exchange;

C. Evaluate the implementation and operation of any exchange with respect to the following:

Whether the State should transition from a federally facilitated exchange model to a state-based exchange or partnership model;

The essential health benefits benchmark plan designated in this State under the federal Patient Protection and Affordable Care Act, including whether the State should change its designation;

The impact of federal and state laws and regulations governing the health insurance rating for tobacco use on accessibility and affordability of health insurance;

The consumer outreach and enrollment conducted by the exchange and whether the navigator program is effective and whether navigators or other persons providing assistance to consumers are in compliance with any federal or state certification and training requirements;

The coordination between the state Medicaid program and the exchange;

Whether health insurance coverage through the exchange is affordable for individuals and small businesses, including whether individual subsidies are adequate;

Whether the exchange is effective in providing access to health insurance coverage for small businesses;

The implementation of rebates under the federal Patient Protection and Affordable Care Act and the Maine Revised Statutes, Title 24-A, section 4319;

The coordination of plan management activities between the Department of Professional and Financial Regulation, Bureau of Insurance and the exchange, including the certification of qualified health plans and rate review;

The potential for establishing a basic health program or seeking a Medicaid state plan amendment or state innovation waiver to provide alternative health coverage programs for individuals;

Whether changes should be considered in federal law or regulations to address dental health coverage available through the marketplace, including, but not limited to, premiums and out-of-pocket costs;

Whether the State should consider changes to its designated rating areas for geographic area to the extent permitted by federal law and regulations;

The impact of so-called churn on the effective operation of the marketplace, public health programs and the private health insurance market;

The impact of federal requirements to provide employer-sponsored health coverage;

The impact of any change in the definition of "small group" for health insurance purposes;

The impact of federal transitional risk adjustment programs and whether the State should consider ending the suspension of the Maine Guaranteed Access Reinsurance Association under Title 24-A, section 3953;

The impact of health insurance policies continued in the State under the transitional relief granted by the federal Department of Health and Human Services; and

Any issue relating to the implementation of the federal Patient Protection and Affordable Care Act agreed upon by a majority of the advisory committee; and

D. Based on the evaluations conducted by the advisory committee pursuant to this order, make recommendations for any changes in policy or law that would improve the operation of an exchange for consumers and small businesses in the State.

5. Compensation. The legislative members of the advisory committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the advisory committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the advisory committee.

6. Quorum. A quorum is a majority of the members of the advisory committee.

7. Meetings. The advisory committee shall meet at least 4 times a year at regular intervals and may meet at other times at the call of the chairs. Meetings of the advisory committee are public proceedings as provided by the Maine Revised Statutes, Title 1, chapter 13, subchapter 1.

8. Records. Except for information designated as confidential under federal or state law, information obtained by the advisory committee is a public record as provided by the Maine Revised Statutes, Title 1, chapter 13, subchapter 1.

9. Staffing. The Legislative Council shall provide staff support for the operation of the advisory committee, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session or for more than 4 meetings annually between regular or special sessions of the Legislature. In addition, the advisory committee may contract for administrative, professional and clerical services if funding permits.

10. Funding for advisory committee activities. The Legislative Council on behalf of the advisory committee may apply for and receive funds, grants or contracts from public and private sources to support its activities. Contributions to support the work of the advisory committee may not be accepted from any party having a pecuniary or other vested interest in the outcome

of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution shall certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the advisory committee's activities. Such a certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the advisory committee.

11. Reports. The advisory committee shall submit to the Joint Standing Committee on Insurance and Financial Services a preliminary report on its activities no later than December 4, 2015. The advisory committee shall submit to the Joint Standing Committee on Insurance and Financial Services a final report on its activities no later than November 5, 2016.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **MASON** of Androscoggin, the following Joint Order:

S.P. 534

ORDERED, the House concurring, that Bill, "An Act To Exempt a Fee for a Paper or Plastic Single-use Carry-out Bag from Tax," S.P. 206, L.D. 590, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and PASSED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow York County To Better Provide Rescue and Ambulance Services"

H.P. 124 L.D. 166

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

Signed:

Senators:

WHITEMORE of Somerset
LIBBY of Androscoggin
WILLETTE of Aroostook

Representatives:

MARTIN of Sinclair
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
EVANGELOS of Friendship
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 "A" (H-124).**

Signed:

Representatives:

BABBIDGE of Kennebunk
GREENWOOD of Wales

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT.**

Reports **READ.**

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Resolve, To Study the Feasibility and Cost of Providing Passenger Rail Service to the City of Bangor

H.P. 806 L.D. 1174

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

Signed:

Senators:

COLLINS of York
DIAMOND of Cumberland
ROSEN of Hancock

Representatives:

McLEAN of Gorham
BRYANT of Windham
FARRIN of Norridgewock
GILLWAY of Searsport
GOLDEN of Lewiston
HOBART of Bowdoinham
HOGAN of Old Orchard Beach
PARRY of Arundel
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" (H-134).**

Signed:

Representative:
VEROW of Brewer

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-134)**.

Reports **READ**.

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

Sent down for concurrence.

Senate

Ought to Pass

Senator BURNS for the Committee on **JUDICIARY** on Bill "An Act To Amend and Clarify Certain Notice and Assessment Provisions of the Maine Condominium Act"

S.P. 294 L.D. 820

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Ought to Pass As Amended

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend Maine's Sex Trafficking and Prostitution Law"

S.P. 244 L.D. 651

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-96)**.

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

READ ONCE.

Committee Amendment "A" (S-96) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator SAVIELLO for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection"

S.P. 397 L.D. 1128

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-91)**.

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

READ ONCE.

Committee Amendment "A" (S-91) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator DAVIS for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend Maine's Threatened and Endangered Species List"

S.P. 281 L.D. 807

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-90)**.

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

READ ONCE.

Committee Amendment "A" (S-90) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BURNS for the Committee on **JUDICIARY** on Bill "An Act To Improve the Reporting of Child Abuse"

S.P. 74 L.D. 199

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-93)**.

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

READ ONCE.

Committee Amendment "A" (S-93) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BURNS for the Committee on **JUDICIARY** on Bill "An Act To Fund the Cold Case Homicide Unit in the Department of the Attorney General"

S.P. 393 L.D. 1121

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-92)**.

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

READ ONCE.

Committee Amendment "A" (S-92) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator COLLINS for the Committee on **TRANSPORTATION** on Resolve, To Create a License Plate To Recognize the Bicentennial of the State

S.P. 455 L.D. 1273

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-99)**.

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

READ ONCE.

Committee Amendment "A" (S-99) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CYRWAY for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Military Bureau Laws"

S.P. 251 L.D. 693

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-97)**.

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

READ ONCE.

Committee Amendment "A" (S-97) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CYRWAY for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Alcohol Manufacturing Licenses Issued to Research Facilities"

S.P. 326 L.D. 935

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-98)**.

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

READ ONCE.

Committee Amendment "A" (S-98) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide a Source of Funding for Drug Abuse Resistance Education"

S.P. 144 L.D. 376

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

Signed:

Senators:

ROSEN of Hancock
GERZOFKY of Cumberland

Representatives:

FOWLE of Vassalboro
DAVITT of Hampden
GERRISH of Lebanon
LAJOIE of Lewiston
LONG of Sherman
THERIAULT of China
TIMMONS of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-95)**.

Signed:

Senator:

BURNS of Washington

Representatives:

CHENETTE of Saco
NADEAU of Winslow
WARREN of Hallowell

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **CYRWAY** 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 Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. If you think of prevention, drug prevention, programs, which one do you think of first? Of course it's DARE, Drug Abuse Resistance Education. The reason behind that is because 32 years it's been in our schools. Also it's in 43 countries. It's the largest drug-free program in the world. Whenever you hear somebody say it doesn't work, it's not true. I've been 23 years in the schools and I've witnessed how it does work. The program has evolved through years of change. At the beginning it was instructional and now it's facilitation. When we talk about instructional, it was mostly the police officer getting in front of the class and just explaining what making good decisions was. As of right now, it's become facilitative where the kids get involved in making good decisions and it's based on fact, on what's been happening, our trends. It's based on education, because we have the educational departments involved. It's not just police officers going to school and saying, "This is what you do." This program is, basically, a very successful program. We're just trying to get the program's name, DARE, out there, to get schools to get it back in the classroom. We had a change because of the cop's grants, because of situations that have happened with school shootings, school violence. It's taken away from the program a little bit because of the necessity of getting officers in the schools, which I fully understand because I've been involved in those situations. I've been in situations where parents have actually come to the school with a gun. I've had situations where kids have caused violence in the schools. Thank God I was there at the school as a DARE officer and the kids had somebody to relate to, somebody to talk to, somebody there. They knew the DARE officer because he was in the classroom and had gotten so they knew who he was. This is just basically trying to get the State to say, "Yes, we really want a piece of prevention in our schools." Right now just putting the fires out doesn't work. You really need an ounce of prevention to help that pound of cure. I just am asking, Mr. President, if we can try to take just a little bit of money and put it towards a drug prevention program. That's all this is. Thank you.

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 pending motion. As you can see from the report, I'm on the other side of the report, on the Minority Report. That's because I support the concept. I would ask you to consider the concept and see where you come down on this issue. I never was a DARE officer, but I had the opportunity to supervise a DARE officer for quite some time and I took it upon myself to spend time with him in his schools to see how the program worked, see how he did it, see

how the kids responded, see how the staff responded, and I didn't see anything other than positive results that came out of that. I think all of us believe that children, especially in their formative years, need to learn refusal skills and that's basically what this program does. It teaches them refusal skills that they need in order to grow into the teenage years and then adulthood. Who better to do that than a person of authority, a police officer? There are all kinds of schools that have police officers come in for safety reasons, as well as educational reasons. It's not, and it shouldn't be, a foreign thing to our schools. It should be an option that's kept available to our schools because it accomplishes many things while the police officer's in there; not only the safety but also the interaction with these kids, again, in their formative years. In this day and age that we're living in, especially contemporary times, we need to have a positive relationship between our people in authority, our police officers, and our young people. This is a way to do it. Schools don't necessarily have to have a particular program, but if they choose to it should be there, it should be available, both the drug training and refusal skill training, as well as having a police officer from their community come in and spend time with their students. If you vote this proposal down that's going to be less of an opportunity for all of these schools in your districts. I would hope that we'd reconsider the pending motion and we'd get to the Minority Report and give schools an opportunity to have this as a choice for their children. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you, Mr. President. I'd like to pose a question through the Chair to anyone that might answer.

THE PRESIDENT: The Senator may pose his question.

Senator **PATRICK:** Thank you, Mr. President. I would like to know where the funding comes from for this bill?

THE PRESIDENT: The Senator from Oxford, Senator Patrick poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Gerzofsky.

Senator **GERZOFSKY:** Thank you, Mr. President. In response to the question that was posed by Senator Patrick, the funds, currently, go to law enforcement for their equipment, replacing their equipment. The funds have been used for that purpose for quite a few years and that's the reason you see the divided report. I hope that helps.

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

Senator **CYRWAY:** Thank you, Mr. President. On the amendment, Senator Burns had mentioned Amendment A. We tried to amend it to impose a surcharge of \$10 on all fines imposed by the court under the Maine Revised Statute 17A, Chapter 45; laws on illegal possession of drugs. The amendment requires that revenues from the surcharges be deposited in a DARE fund, to be used to fund the DARE programs in the schools. We're looking for, basically, \$30,000, and it could come

out of the General Fund as well, but this is where we really need to do what we can through Appropriations.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen 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 (#73)

YEAS: Senators: BRAKEY, DIAMOND, EDGEComb, GERZOFsky, HASKELL, HILL, LIBBY, MASON, MIRAMANT, ROSEN, THE PRESIDENT – MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BAKER, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DILL, DUTREMBLE, GRATWICK, HAMPER, JOHNSON, KATZ, LANGLEY, MCCORMICK, MILLETT, PATRICK, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME

EXCUSED: Senator: BREEN

11 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-95) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Off Record Remarks

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Remove Limitations on Reciprocity for Concealed Handguns Permits" S.P. 313 L.D. 868

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

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFsky of Cumberland

Representatives:

CHENETTE of Saco
GERRISH of Lebanon
LONG of Sherman
THERIAULT of China
WARREN of Hallowell

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

Signed:

Representatives:

FOWLE of Vassalboro
DAVITT of Hampden
LAJOIE of Lewiston
NADEAU of Winslow
TIMMONS of Cumberland

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Penalties for Vandalizing a Cemetery"

S.P. 374 L.D. 1071

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

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFsky of Cumberland

Representatives:

FOWLE of Vassalboro
DAVITT of Hampden
GERRISH of Lebanon
LAJOIE of Lewiston
LONG of Sherman
THERIAULT of China
TIMMONS of Cumberland
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-100).**

Signed:

Representatives:

CHENETTE of Saco
NADEAU of Winslow

Reports **READ.**

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, To Study the Design and Implementation of Options for a Universal Health Care Plan in the State That Is in Compliance with the Federal Patient Protection and Affordable Care Act

S.P. 152 L.D. 384

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-89).**

Signed:

Senators:

WHITEMORE of Somerset
BAKER of Sagadahoc
GRATWICK of Penobscot

Representatives:

BECK of Waterville
BROOKS of Lewiston
COOPER of Yarmouth
MELARAGNO of Auburn
MORRISON of South Portland
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
TUCKER of Brunswick

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

Signed:

Representatives:

FOLEY of Wells
WALLACE of Dexter

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (S-89) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Gratwick.

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I wish to speak just very briefly about this bill, which has to do with the funding for a healthcare study that would be going on, probably, for the next two to three to four years. This is looking at a different and new way that we can reorganize our healthcare system here. As I'm sure you're very aware, healthcare is important to us and each of us, I suspect, has had a personal interaction with healthcare. Very important. Something very worrisome to you or a family or friend. Chest pain. Some numbness. Joints that didn't work. Powerful headaches. I've certainly had this myself, personally, and also part of the genesis of this is my wife. When we were engaged, we had not yet been married, my wife, perfectly healthy, woke up one morning with terrible abdominal pain. Went to the hospital. She was very sick. A young, healthy woman, very sick. In an earlier era she probably would not have survived, but she did. She's done well. We've been married now for 40 years. Healthcare worked and I'm very, very thankful for it. The problem is, of course, that not everybody gets healthcare in our world. We had insurance, we could do it, but not everybody follows us. I'll have you remember, from what I say today, just three numbers: 11%, 18%, 22%. France spends 11% of their GNP on healthcare. They are number one in the world, according to all the measures you can use. The United States spends the most, 18%, and we are anywhere between 17 and 35 on measures of where we stand, as a population. Maine is 22%. We spend 22%, as opposed to the French with 11%, and we are not doing particularly well. This particular bill, 384, asks us to step back and see if we can deliver healthcare better. There are many different options. We all have opinions, but three basic ones. Should we tweak what we have now, trying to make it work better? It is certainly, on the IFS Committee, what we do a great deal of, trying to make our system better. Should we really abandon it and should we go to a different system; a universally unified healthcare system, such as we have in the VA, in the military, and the prisons? Those people have a universal healthcare. France does very well. Canada certainly does better than we do. Should we have a system like that or should we have a hybrid system, which is really a Medicare for all in a sense? You have a basic insurance but then you can get other insurance as well. I don't know which of these is the best, but we have to explore the alternatives. If we continue to muddle along we're just not going to do well. I think you're all aware that eventually our healthcare system is going to change. It has to change. Do we want to be proactive before, on the leading edge of the curve, or do we want to just follow along?

The unique thing about this particular bill is that it will be funded. This has two advantages. It's not going to take any money, whatsoever, zero, out of the General Fund. Once this gets underway, we're going to be asking you for \$10 and you for \$25 and you for \$37.50; asking all Mainers: Is this something you want to invest in? The results are going to tell us a great deal. First of all, it's going to give us money to run the study. These studies are expensive, up to \$300,000. It's going to give us money, number one. Number two, it's going to say: Is this something that Mainers really care about, are they willing to put their money where their mouth is? Is this something that's going

to push? It really will be a push for us. There are many reasons that people give. If this cannot be done, should it be done at the federal level? I'm sure you know that Medicare/Medicaid, the URISA organization, is very difficult to deal with. Vermont also has failed at this. That, for me, is more reason that we should try better. I think that we can learn by everybody else's mistakes and experiences and we can move the ball down the field. That's really what democracy is and all these states being the laboratory is what democracy is about. There are some specifics in the eight, nine, twelve pages of the report. Who will be on the study. I'm sure this is eventually going to come to a referendum, three or five years from now, to inform, depending on how the decision is made here.

In conclusion, a while ago I was reading a novel by Anthony Trollope, who's sort of one of those English authors of the mid-1840s or 1850s who you don't really like to read in high school. Trollope was a very interesting guy who was from Ireland and the protagonist in this book was a young, bright lawyer from Ireland who went to England and became involved in the political scene there. It is the observation that Trollope had 150 years ago seems just as appropriate now. He said that back then life was full of change and, first of all, new options seemed impossible. Then, in the second stage, well they were possible. Then, in the third stage, well they are probable. In the fourth stage, it's: why didn't we do this a long time ago? That's where this is, the nature of progress, I think. We're now at the stage with healthcare where it's possible. It's possible we're going to make the right decisions and move our country, our state, off the somewhat dysfunctional status we are right now. That's why I'm optimistic about this. This is a bill for regular people, for you and me. It's actually a bill for my wife, Lucy, and I. This would help young, healthy people. Finally, this is a bill that makes the numbers go 11%, 11%, 11%. It really allows Maine businesses to do well. It would allow Mainers to get benefit from the money that they are spending. Thank you, Mr. President.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-89).

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Maine Consumers from Medical Identity Theft" (EMERGENCY)
S.P. 447 L.D. 1242

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

Signed:

Senators:

WHITEMORE of Somerset
BAKER of Sagadahoc

Representatives:

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 To Pass as Amended by Committee Amendment "A" (S-88)**.

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

BECK of Waterville
BROOKS of Lewiston
COOPER of Yarmouth
MELARAGNO of Auburn

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Employees from Abusive Work Environments"
S.P. 63 L.D. 188

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-101)**.

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

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

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

Senator **PATRICK** of Oxford requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I put this bill in and I'll tell you the reason why. I actually got eight calls from constituents throughout my district. Really funny calls, because I wanted to question them about what the issue was. They all were by women. In trying to ascertain to what the real problem was, I first asked what's their name, what town are they from, and what's their issue. Only one of them gave me their name because the issue had to do with abusive work environments. Five of the six ladies said, "I can't tell you my name because I don't know if I want you to go forward." They explained what was going on. I said, "Well, you have the Human Rights Commission where you can go to, to seek regress." They all explained the situation of what was going on in their work-lives, which, to me, was unconscionable. I couldn't imagine anyone having to go through that. Five of the six would not go any further, wouldn't give me their name, because they could not find another job and didn't think they would be employable if they went against their employer. I would probably have to agree with them. The sixth one, though, however, told me what happened to her in her work environment. This person actually worked in a small law firm where one of the attorney's wives happened to be the manager and, basically, brow beat this woman until she had a stroke. She went to hospital. The lawyers kept calling her up. "Where's this information? Where's that information?" because she was probably one of the key employees. In the course of recovering from her stroke, they finally realized that she was going to be a long time before she recovered and they put all of her belongings out to the curb and told her, "If you don't pick them up today they're going to be out to the curb." I know we're an at-will state, but I think an abusive work place, Mr. President, is unacceptable to all. This woman did get Worker's Comp for her injury, but what the bill seeks to do is to give her more, give anyone more, redress from an abusive work situation. This bill's actually turning into a Resolve to study work abuse, abusive work environments, when there is psychological and physical harm to employees. I think this is a good thing and I would ask everyone to vote against the motion and move on to passage. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, our system, the Worker's Comp system, is considered an exclusive remedy for workplace injuries. I was very glad to hear that this particular person was able to avail

herself of Worker's Compensation. That is, under our law, the attempt to make someone whole when, in fact, there has been physical or psychological injury that can be documented. However, the bullying does not fit under Worker's Comp because there is no physical or emotional injury that can be proven. Then the Maine Human Rights Act steps in. It exists to protect many people who are members of a protected class. We also have tort remedies that workers are also able to avail themselves of. I have a constituent in my district who's a business owner who, in fact, has confided in me that they had an employee who had worked for them for seven years, with no issues whatsoever, and they had a temporary worker in for one week. Somehow the two of them ended up getting in an argument. The employee who had been working for the company for many, many years, with no incidents, ended up calling this other person a really horrible name. That person actually sued for \$250,000. After lots of legal costs, there was a settlement of \$66,000. That went to somebody who was just called a name. There was no physical injury. There was no psychological breakdown. They were just called a horrible name. They walked away with \$66,000, minus whatever their attorney took. I would argue that this is not an issue that needs to be settled. I would argue that there are plenty of remedies under our existing laws. Thank you very much.

At the request of Senator **PATRICK** of Oxford a Division was had. 19 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Contract Indemnification"

S.P. 203 L.D. 587

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-94)**.

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

AUSTIN of Gray
CAMPBELL of Newfield
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

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

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
BATES of Westbrook
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **PATRICK** of Oxford, 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 Oxford, Senator Patrick.

Senator **PATRICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I will briefly talk about this bill. This bill has been before us at least five times before; in 1997, 2005, 2007, 2013, and today. It's important to understand what this bill is about. The bill is designed to shift construction jobsite safety responsibilities partially to the owner of the jobsite and to prohibit an owner from negotiating a contract that puts full responsibility on the contractor. Instead, the owner would now run the risk of being named as a defendant in a lawsuit arising out of a jobsite injury. Under this bill the owner would be legally barred from negotiating a term which requires the contractor to provide this insurance, or, if it chooses, to self-insure the risk. This is not an academic question for the paper companies. This could result in significant direct cost to the companies, all of which are employers of Maine citizens. I don't think, Mr. President, that we want to get involved between the contract between two businesses. With that, Mr. President, I would thank you for the opportunity to address this issue.

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

Senator **KATZ:** Thank you very much, Mr. President. Men and women of the Senate, I rise in support of the pending motion. This bill has a lot of fancy words like indemnification, subcontract surety, promisees, but it's really simple. The basic concept is this bill will ensure that a party or parties who are actually responsible for doing something wrong are held liable and not a party who did nothing wrong. Current Maine law allows for an owner of a project, or a general contractor, to require, through contract, its subcontractors indemnify the owner of any negligence, even if it is totally the fault of that contractor, and the subcontractor did nothing wrong and it is completely free from any fault. It is a matter of contract, but you might ask: so why would a subcontractor ever even sign an agreement that might make him responsible for someone else's fault? The answer is that, especially in today's economic climate, contractors are often forced to agree to these terms and conditions in order to get work and keep their employees working, because if they don't they won't get the contracts. It's as simple as that. The risks that

these clauses cause these small businesses is significant and, in some situations, could actually put a company out of business if they don't completely understand the consequences of indemnifying, that is holding harmless, another party for damage or injury they are not responsible for. These clauses are unfair and, ironically, the results can be that the guilty walks away while the innocent gets stuck paying the bill. Mr. President, this bill simply places the responsibility for negligence with the party that causes the accident. It's good public policy. It is a basic and fundamental tenant of our law, that we all must take responsibility for our own actions and not attempt to pass that on to some innocent third party. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk to Accept the Majority Ought to Pass as Amended 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 (#74)

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, DIAMOND, DILL, DUTREMBLE, GERZOFsky, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

EXCUSED: Senator: BREEN

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-94) **READ** and **ADOPTED**.

Under suspension of the Rules, **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 Resolve

Resolve, To Establish the Commission To Study Parking for Persons with Physical Disabilities

H.P. 621 L.D. 902
(C "A" H-116)

On motion by Senator **CUSHING** of Penobscot, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

Acts

An Act To Provide Tax Credits for Adult Day Care and Respite and Hospice Care

H.P. 536 L.D. 787
(C "A" H-95; S "A" S-72)

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

An Act To Preserve Jobs and Primary Care Services in Rural and Underserved Areas of Maine

S.P. 341 L.D. 969
(C "A" S-68)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in 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

Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands

H.P. 970 L.D. 1424

Comes from the House, **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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Selection Process for the Attorney General

H.P. 964 L.D. 1417

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for a Lieutenant Governor and Change the Line of Succession for Governor

H.P. 965 L.D. 1418

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Selection Process for the Treasurer of State

H.P. 966 L.D. 1419

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

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

Bill "An Act To Establish a Tax-free Savings Program for Individuals with Disabilities"

H.P. 967 L.D. 1421

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

Comes from the House, **REFERRED** to the Committee on **TAXATION**.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (5/5/15) matter:

Bill "An Act To Improve the Authority of Guardians of Persons with Intellectual Disabilities or Autism"

H.P. 834 L.D. 1216

Tabled - May 5, 2015, by Senator **MASON** of Androscoggin

Pending - **FURTHER CONSIDERATION**

(Committee on **JUDICIARY** suggested and ordered printed.)

(In House, April 2, 2015, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

(In Senate, April 23, 2015, on motion by Senator **BURNS** of Washington, **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.)

(In House, April 30, 2015, that Body **INSISTED**.)

On motion by Senator **BURNS** of Washington, the Senate **INSISTED**.

The Chair laid before the Senate the following Tabled and Later Assigned (5/7/15) matter:

Bill "An Act Regarding the Treatment of Forensic Patients"
H.P. 941 L.D. 1391

Tabled - May 7, 2015, by Senator **MASON** of Androscoggin

Pending - **REFERENCE**

(Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.)

(In House, May 6, 2015, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/14/15) matter:

NOMINATION - of the Honorable Jeffrey H. Moskowitz of Saco for reappointment as a District Court Judge

Tabled - May 14, 2015, by Senator **BURNS** of Washington

Pending - **CONSIDERATION**

(In Senate, May 14, 2015, Communication (S.C. 309) from the Committee on **JUDICIARY**, **READ** and **ORDERED PLACED ON FILE**.)

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you, Mr. President. I wish to speak on this nomination.

THE PRESIDENT: The Senator may proceed.

Senator **DUTREMBLE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I stand up today to speak on this nomination and I do it with a heavy heart. I'll tell you why, because my daughter - I take that back, my son hangs out with his daughter; and it's not lightly that I stand here in front of you today with what I'm going to say. Part of the reason I'm standing up here today is when this nomination was seen before the Judiciary Committee, I went in to testify for the hundreds of people that have contacted our organization about issues they've had in the courtroom. At that committee hearing I was only allowed to speak for three minutes and I was cut off. I felt this is very unjust towards my constituents that I represent; and in my three years I've never heard of a legislator being cut off at three minutes, so I have a lot to say today.

There are battles, battles of both the bane and the glory of our existence. We admire them. They are forced upon us by vengeful adversaries who mean all of the harm they can muster up or when they randomly befall us - indiscriminately cruel circumstances over which we have no control. On the other hand, we rather bask in them when there is something gallantly heroic about them or they serve to right a great wrong. Indeed, battles are both the bane and the glory of our existence. Battles are justice we choose to engage in because it may be that nothing has advanced against us or challenged us or stands looming over us, armed to the teeth with crushing intent. The cause of the current battle may have nothing to do with the external force as it may be prompted by the entirely internal one. It may be that we have witnessed unsearing injustice or that the line has been crossed that should have never been crossed. It may arise from something strong, bullying, something weak and, therefore, creating a litany of traumatized victims strewn along the road as we, like otherwise, trod. Any number of these things inflame our ire and prompt us to step into the fray. The Goliath's superiority. Whatever the nature of our battle or the circumstance that set the various forces careening against each other, sooner or later we will all fight a battle; and it seems that in fighting these battles of ours we've developed a mentality of super warfare. There is something in our construct that envisions what superiority is. Whether that's sheer numbers or the extent of our resources or timing or any of the innumerable number of things, it seems that we tend to judge the value of the battle, the potential sacrifice in the battle, and the likely outcome based on how we define superiority. This is more like akin to the Goliath mentality. Clearly wisdom would dictate such resources as held up against whatever foe we face, yet I would wonder if this idea of superiority elevates itself above our convictions, our calling, and our sense of justice and the whole notion that we were raised up to lay ourselves down. Could it be that the calculations that we've devised to determine what battles we will fight and which ones we will not fight have intolerably removed our convictions, our callings, and our sense of justice and the whole notion that we were raised up to lay ourselves down. It is possible that we've granted fear a place at the table and elevated personal safety in a manner that battles have become true calculation rather than passionate crusades. If that is so, is it possible that we've gutted the very heart of the battle. Could it be that any resources that we have will always be secondary to the heart and that we have

to use those resources? Would it be reasonable to conjure that instrument of war, regardless of how devastating one takes when those who hold the weapons are driven by deeply core convictions that bring them to the battlefield? Have we taken the passion and the conviction and calling, which are most potent resources of war, off the battlefield? If we are not driven by those things, is the battle really the battle or is it just a slug fest? The Davids. The battle of conviction. In the same sense I would much prefer to be David. I would prefer to know my weapon well and be practiced in its use, yet I would want the heart behind the weapon so that the nature of the enemy and weapons array against me do not hold the power for me that they might otherwise hold. I certainly don't want to be foolish or naive and thoughtlessly take on the enemy without careful consideration; however, I don't want to wince in fear when I need not to be fearful, neither do I want to call a battle a loss that is winnable when the core convictions that undergird the weapons that I possess are sufficient to overcome when others think I could not. I'd much prefer to be David.

It would seem that the greatest victories and the glories that have stood the test of time come on the heels of battles fought of great convictions and deep passion. These are the battles from which stories are spun and heroes arise. It is the common man energized with uncommon conviction that has stood against superior elements and brought the battle home. It's not that men weren't wounded and that many perished. It's that they won when the world said they shouldn't. It is the singularly compelling factor that conviction prevailed over might and stunned those who knew nothing of conviction. Admirable convictions - yet many people pull for convictions that appear rather dubious and often outright destructive. It would seem that admirable convictions are driven by the greater good and a willingness to uplift one another at great cost to one's self and to adamantly refuse to dress evil in the garb of good in order to justify one action. It may be that in a world of convictions centered on the good of one's self, the growing of one's own appetite, the spinning of belief systems to personal agendas, and the shrewd spin from these such agendas have been misinterpreted and embraced as convictions - when these kinds of convictions are brought to the weapons of war, we are no longer Davids.

It may be wise to survey the landscape of our lives as well as the far greater landscape of the lives around us and ask whether we fought battles or run from them and whether our choice has been to fight or flee. When will our convictions....

THE PRESIDENT: The Senator will defer. Would leadership approach?

Senate at Ease.

Senate called to order by the President.

THE PRESIDENT: The Senator may proceed.

Senator **DUTREMBLE:** Thank you, Mr. President. Judges in Maine are nominated by the Governor and must be confirmed by the Senate. For nominees the Governor relies on a Judicial Advisory Committee to vet candidates and make

recommendations. Lawyers who want to be judges apply to the Committee for consideration. The Committee is not required by law, according to its Chairman, Josh Tardy, a Newport lawyer. It is instead created for the expressed purpose of advising the Governor. The group made up of seven lawyers, including Tardy, screens candidates for judgeships and judge reappointments. It considers whether to recommend a judge's reappointment. Tardy said his Committee looks at individuals' performance, temperament, intellect, and efficiency in handling cases, among other things. "We look to see if there are problems or former complaints but try not to make judgements based on a particular decision," he said, "We value input from members of the Bar and legal service organizations." The Governor's Office does, from time to time, get complaints about state employees. If they are about judges, then they are passed on to the Committee. Tardy said that the Governor also interviews some of the nominees. Once a judicial candidate is named, a hearing on the nomination is held and the process continues. Mr. Tardy, being part of the Governor's vetting committee - we questioned Mr. Tardy's actions and sent them for clarification. He works for the Governor; therefore, his acts are for the Executive Branch in his judicial vetting, being there on behalf of the Governor. He played some role in a review of the court cases and credibility of those who testified in a legislative hearing. Does he have the legal Constitutional right to investigate those who testify to members of the Legislature? I've never heard of a branch of government investigating the witness of another branch of government. Add this to the fact that they were not informed in advance that the people testifying were going to be investigated. Finally, when communicated to the legislative committee members that those who testified were saying things not on their judicial court records, court records were used, in effect, to say they lied to the legislature. The people that were being accused had no right to rebuttal this accusation. The Attorney General's Office replied and they say they are very careful to point out that Attorney Josh Tardy was not an employee and was not representing either the Executive Branch or the Legislative Branch of State Government. This brings up so many questions. Who was Josh Tardy representing? He testified in front of the Committee that he was there on behalf of the Governor. As we all know, like Maine judges, Maine Bar attorneys are an officer of the Maine court and members of the Maine Judicial Branch, like Maine judges. Maine attorneys are also required to take an oath to uphold the U.S. Constitution, along with the Maine Constitution, confirming their membership in the Maine Judicial Branch. Was Attorney Tardy representing the Maine Judicial Branch as an officer of the court?

THE PRESIDENT: Senator Dutremble, could you please defer? I'd remind the Senator that the question before the Senate is qualifications of the Judge that is being confirmed and not qualifications of someone else. Please keep your comments directed towards the qualifications of Judge Moskowitz. Thank you.

Senator **DUTREMBLE:** Thank you, Mr. President. That is the same problem I had within the Judiciary Committee. We cannot fully put out the opinions of the public and what their concerns - and sometimes I question if we are actually here for the people; so I would move for the roll call. Thank you.

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 to speak in support of this nomination. As you know, the Senate Chair of the Judiciary Committee often stands to the Floor and talks about some candidates and other times we do not. It's an awesome responsibility that I believe that my good Co-Chair, Representative Hobbins, and myself, and our Committee has to vet these positions before we make a recommendation to you; and I take it very seriously and I know the rest of the Committee does. The process that we just heard a little bit about from the good Senator from York, Senator Dutremble, I think is a very good process. It's the process we have to work with. In fact, I think this process has been improved upon in the last several years, primarily probably from the lead of the Chief Executive. Several times I've had an opportunity - and I've heard former chairs from the other side of the aisle stand up and say what a good job the Chief Executive has done in going across party lines, picking the right qualified person for the position rather than a partisan appointment. I agree with that. I've seen it happen time and time again. The process has been very involved this time, just as it always is with each nominee. It involves considerable screening by the Committee, the bipartisan committee that you just heard a little bit about, a thorough vetting by the Chief Executive, and then a formal process in the Judiciary Committee, which every appointee and reappointee has to go through. The Committee tries its very best, I think, in each and every one of these, both now and in the past, to make sure that a fair and impartial hearing is conducted, and everybody has an opportunity to speak, regardless of their position. This particular appointment was no exception.

There were issues on this particular appointment and many of you have heard about them through various sources. There was one particular incident that I'm going to bring up because I think it's been the subject of a lot of discussion. It was about a ruling that this particular nominee made in his court not too long ago and I'm going to read an excerpt, if you will, from testimony that he supplied to the Committee. This was from Judge Moskowitz and I quote, "I'd like to tell you a small bit about who I am. Like all people, I make my fair share of mistakes. Some of the mistakes are somewhat minor. Some of them are not. For example, you probably are all aware of a mistake that I made earlier this year when I ordered the media to refrain from reporting the specifics of an alleged victim's testimony in a criminal case. It was an order that I issued at the end of a very long day and it was clearly an error. Fortunately, I had the opportunity on my own to correct the error very shortly after it was made and before any significant harm was done. I have sincerely regretted making that mistake; however, as with all mistakes I make, I have viewed it as a clear opportunity to learn and improve and I have learned a valuable lesson from that experience." That was one particular issue that was talked about during the confirmation hearing. I appreciated the Judge's response to the criticism that he received over that. I don't know of anybody in any position that hasn't made a mistake and I think the important thing is whether or not they learn by that mistake and whether they do their best to keep from repeating that mistake. I have confidence that this nominee learned from that mistake. He will not make that mistake again.

I'm very sorry that there are many people that are upset by the results of a personal involvement in court, especially in family court. Those are difficult situations that our State has to make decisions on and they do that through the District Court Judges

and in most every situation there are winners and losers. The fact that somebody has to come away unhappy makes it very difficult for them and also for the person making the decision; however, what we have to do is look at the totality of the decisions that are made and the totality of the work that has been done, especially in a reappointment situation, which this particular nominee is, a reappointment to the District Court. Our Committee heard overwhelming positive, supportive testimony on behalf of this nominee. Yes, we heard some negative feedback. We took that very serious. We don't underestimate the sincerity behind the people that had concerns about this reappointment; but given the facts and at the end of the day, you have to weigh the evidence as brought before you. We have that forum to work in. We have restrictions that have been placed upon the Committee to follow. We try to follow them very, very closely. Again, you have to weigh the evidence that's produced to you. It's not a court of law. Some people forget that. It's a group of 13 people, or 14 people in our case, that sit there and have to make a decision based on what comes before us, either in writing or in testimony or other sources. Our Committee deliberated over the weekend. We had opportunities to read more materials that came in. I don't intend to use a prop, but I have a file two inches thick of information, pro and con; and the Committee did due diligence, I believe.

Once again, the Committee was put to the task of voting on this nominee; and we voted unanimously to support this renomination of Judge Moskowitz. I feel very comfortable with that decision. I think we have done what we were commissioned and charged to do in that Committee and I think things will be proven to that point as we go on from here. I thank you very much for your time.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm glad the good Senator brought up the Committee worked on this. The problem I have is in my little Legislative Handbook I don't see anywhere that the Committee can deliberate over the weekend and not in public and not with a recorded meeting. I have concerns about the manner in which the deliberations took place and the public was not involved. I think that's a serious question that needs to be looked at and that's all I have to say. Thank you.

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

Senator **BURNS**: Thank you, Mr. President. As I just said a minute ago, we all make mistakes. I just made one. My apologies. When I said deliberate, I deliberated with the material on my own. There was no meeting, no caucus, no anything. The people on my Committee were all asked to take the materials, pour over them, discern them, and come to their decision. So there was no meeting and I believe that we followed the rules that were set before us. Thank you, Mr. President.

THE PRESIDENT: The Senator from York, Senator Dutremble, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing none, the Chair calls on the Senator from York, Senator Dutremble.

Senator **DUTREMBLE**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I just have to stand up and state my piece. I have members of the Judiciary Committee that called me directly and said they deliberated via e-mails and phone calls over the weekend. I just think that's improper. Thank you.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#75)

YEAS: Senators: DILL, DUTREMBLE, MIRAMANT, PATRICK

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

EXCUSED: Senator: BREEN

4 Senators having voted in the affirmative and 30 Senators having voted in the negative, with 1 Senator being excused, and 4 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 the Honorable **Jeffrey H. Moskowitz** of Saco for reappointment as a District Court Judge was **CONFIRMED**.

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/14/15) matter:

NOMINATION - of the Honorable William R. Anderson of Morrill for reappointment as a Superior Court Justice

Tabled - May 14, 2015, by Senator **BURNS** of Washington

Pending - **CONSIDERATION**

(In Senate, May 14, 2015, Communication (S.C. 308) from the Committee on **JUDICIARY**, READ and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#76)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, 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

EXCUSED: Senator: BREEN

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 the Honorable **William R. Anderson** of Morrill for reappointment as a Superior Court Justice was **CONFIRMED**.

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/12/15) matter:

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
(S "A" S-51 to C "A" S-13)

Tabled - May 12, 2015, by Senator **KATZ** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, April 16, 2015, the Minority **OUGHT TO PASS AS AMENDED** Report READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-13)**.)

(In House, April 21, 2015, the Majority **OUGHT NOT TO PASS** Report READ and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In Senate, April 23, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-13) AS AMENDED BY SENATE AMENDMENT "A" (S-51)** thereto, in **NON-CONCURRENCE**.)

(In House, May 7, 2015, that Body **INSISTED**.)

On motion by Senator **KATZ** of Kennebec, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-13) AS AMENDED BY SENATE AMENDMENT "A" (S-51)** thereto, in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-13) AS AMENDED BY SENATE AMENDMENT "A" (S-51)** thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED SENATE AMENDMENT "A" (S-51) TO COMMITTEE AMENDMENT "A" (S-13)** and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "B" (S-87) to Committee Amendment "A" (S-13) **READ**.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, this is the day for admitting to making mistakes and this was one I made. I apologize to the Body, but I earlier presented an amendment, Mr. President, with respect to this cell phone bill which would, effectively, lower the penalties. Unfortunately, the amendment was poorly drafted and it had to be backed up to this stage in order to do what it intended to do. This is, essentially, the amendment I think we all thought we were voting on before. I ask that the Body adopt it. I, again, apologize for the error. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, I'm not in possession of that amendment and neither are some of the other members nearby. I wondered if that's an error.

THE PRESIDENT: The Chair would advise the Senator that the question was asked earlier in the session whether or not a Senator wishes to receive amendments. Those who said yes, I believe, have them. Those who said no, I believe, do not have them. Would leadership please approach the rostrum.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **KATZ** of Kennebec, Senate Amendment "B" (S-87) to Committee Amendment "A" (S-13) **ADOPTED**.

Committee Amendment "A" (S-13) as Amended by Senate Amendment "B" (S-87) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-13) AS AMENDED BY SENATE AMENDMENT "B" (S-87) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Off Record Remarks

On motion by Senator **PATRICK** of Oxford, **ADJOURNED** until Wednesday, May 20, 2015, at 10:00 in the morning, in memory of and lasting tribute to Brian Keith Mello of Poland.