

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
Wednesday
June 3, 2015

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

Prayer by Pastor Rick Gundberg, Augusta First Church of the
Nazarene.

PASTOR GUNDBERG: Good morning. Let us pray. Our
Heavenly Father, we thank You for the blessing of this day You
have given us. We pray that in these proceedings today that it is
not about the will of the created but the will of the Creator. Have
Your way in this place, Lord, and at the end of the day we can
know we pleased You with everything that has happened here.
Grant divine wisdom to these leaders in their discussions and
decisions and we will give You all glory and praise. In Jesus'
name we pray and all God's people said amen.

Pledge of Allegiance led by Senator Rebecca J. Millett of
Cumberland County.

Reading of the Journal of Tuesday, June 2, 2015.

Doctor of the day, David Edsall, MD of Ellsworth.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Extend the Funding Period for Landfill Closure
Costs"

H.P. 404 L.D. 580
(C "A" H-115; S "A" S-113)

In House, May 12, 2015, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-115).**

In Senate, May 27, 2015, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-115) AND
SENATE AMENDMENT "A" (S-113), in NON-CONCURRENCE.**

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

Senator **SAVIELLO** of Franklin requested and received leave of
the Senate that members and staff be allowed to remove their
jackets for the remainder of this Legislative Day.

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

Joint Resolution

The following Joint Resolution:

H.P. 984

**JOINT RESOLUTION
RECOGNIZING MAINE'S REALTORS**

WHEREAS, the Maine Association of REALTORS® has
nearly 4,000 members actively involved in the business of real
estate and it has approximately 400 affiliate members, including
lenders, appraisers, title companies, building inspectors,
surveyors and insurance providers; and

WHEREAS, the not-for-profit association provides each
member with an equal voice and representation in the real estate
profession, serving members in all 16 Maine counties and in their
communities; and

WHEREAS, the benefit that the Maine Association of
REALTORS® provides to Maine's economy includes not only the
money spent and reinvested in the sale price of a property, but all
those services and expenditures that occur in relation to a
property transaction, both for a buyer and a seller; and

WHEREAS, according to national statistics, it is estimated
that one job is generated for every 2 home sales and that each
home sale contributes about \$60,000 to the economy; and

WHEREAS, the real estate market in Maine is recovering, as
evidenced by the number of home sales increasing by 7.9% in
2014; and

WHEREAS, home ownership has been enhanced by the
work in Maine of the public and private sectors to provide housing
opportunities; and

WHEREAS, expanding home ownership will strengthen our
State and its families and communities, enhance our economy
and create jobs; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and
Twenty-seventh Legislature now assembled in the First Regular
Session, take this opportunity to recognize the Maine Association
of REALTORS® and its members for their positive contributions to
and the significant role they play in the lives of Maine citizens and
their communities and that their service and dedication to this
State are a tribute to those values and principles that we all hold
dear; and be it further

RESOLVED: That suitable copies of this resolution, duly
authenticated by the Secretary of State, be transmitted to the
Maine Association of REALTORS® and its 12 local association
boards.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 396

**TOWN OF MONMOUTH
PO BOX 270
MONMOUTH, MAINE 04259**

Proposal to the Legislature: A Resolution Endorsing a Fair Budget

Whereas, public education and the intellectual and physical development of children and young adults is essential to Maine's future; and

Whereas, the voters of Maine in 2004 overwhelmingly approved a referendum requiring the State of Maine to fully fund 55% of the cost of public education in order to ensure a strong public school system; and

Whereas, the commitment to fund 55% of the cost of public education has never been met, forcing local communities to shoulder most of the costs of maintaining Maine's schools, often through increases in local property taxes:

Now therefore, be it resolved that:

The Monmouth Board of Selectmen calls on the Maine legislature and governor to recognize the will of the voters as expressed by statewide referendum and fully fund the state's commitment of 55% of the cost of public education.

Signed: On 27th day of May, 2015

S/C. Douglas Ludewig, Chair
S/Harold W. Jones III
S/Timothy A. McDonald
S/Darlene G. Sanborn
S/Dianna J. Boisvert

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 393

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

June 1, 2015

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

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Energy, Utilities and Technology has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1399 An Act To Improve Natural Gas Price
Competitiveness for Maine's Manufacturers

This is notification of the Committee's action.

Sincerely,

S\Sen. David Woodsome
Senate Chair

S\Rep. Mark N. Dion
House Chair

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

The Following Communication: S.C. 394

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

June 2, 2015

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

Dear President Thibodeau and Speaker Eves:

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

L.D. 1258 An Act To Amend the Maine Medical Use of
Marijuana Act with Regard to Good Business
Practices

This is notification of the Committee's action.

Sincerely,

S\Sen. Eric L. Brakey
Senate Chair

S\Rep. Andrew M. Gattine
House Chair

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

Honorable Michael D. Thibodeau, President
Maine State Senate
3 State House Station
Augusta, Maine 04333

Honorable Mark W. Eves, Speaker
Maine House of Representatives
2 State House Station
Augusta, Maine 04333

Honorable Amy Volk, Senate Chair
Honorable Erin D. Herbig, House Chair
Committee on Labor, Commerce, Research and Economic
Development

Honorable David Woodsome, Senate Chair
Honorable Mark Dion, House Chair
Committee on Energy, Utilities and Technology

Re: 2015 Attorney General Report to the Legislature under the
Petroleum Market Share Act

Dear President Thibodeau, Speaker Eves, Senators Volk and
Woodsome, and Representatives Herbig and Dion:

I am pleased to make this report in accordance with the
Petroleum Market Share Act (P.M.S.A.), 10 M.R.S. §1677. The
P.M.S.A. requires the Attorney General to make a report to the
Legislature describing the concentration of retail outlets in the
State, including a recommendation as to whether additional
legislation is needed to further limit or curtail the activity of
refiners operating retail outlets.

Enclosed is a report describing concentration of retail outlets in
the State. The report, which is based on data collected from
wholesalers of both motor fuel oil and home heating oil, includes
maps depicting relative concentration in designated markets
throughout the State. This report is also available on the Attorney
General's website at:

<http://www.maine.gov/ag/consumer/antitrust/shtml>.

Since no refiners of petroleum products operate retail outlets in
this State, we recommend no legislation to limit or curtail such
operations.

I appreciate this opportunity to provide this information and hope
it is useful.

Sincerely,

S/Janet T. Mills
Attorney General

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

The Following Communication: H.C. 182

The Following Communication: S.C. 395

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

June 1, 2015

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

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the
Joint Standing Committee on Judiciary has voted unanimously to
report the following bill(s) out "Ought Not to Pass":

- | | |
|-----------|--|
| L.D. 252 | An Act To Increase Transparency of Entities
Receiving Substantial Amounts of Public
Funding |
| L.D. 513 | An Act To Clarify the Protections of Court
Appointed Special Advocate Workers under
State Law |
| L.D. 642 | An Act To Amend the Laws Regarding the Best
Interest of the Child Standard |
| L.D. 953 | An Act To Implement Changes in the Family
Division To Improve the Experience of Pro Se
Litigants |
| L.D. 1031 | An Act To Improve the Unclaimed and
Abandoned Property Laws |

This is notification of the Committee's action.

Sincerely,

S/Sen. David C. Burns S/Rep. Barry J. Hobbins
Senate Chair House Chair

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

The Following Communication: S.C. 397

**STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006**

May 29, 2015

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

June 2, 2015

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought to Pass Report of the Committee on Agriculture, Conservation and Forestry on Bill "An Act To Restore Farmlands and Improve Watersheds" (S.P. 367) (L.D. 1041) and Passage to be Engrossed.

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 183

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

June 2, 2015

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

Dear Secretary Priest:

House Paper 828, Legislative Document 1210, "Resolve, Directing the Department of Professional and Financial Regulation To Study the Dental Practice Laws and Recommend Changes To Streamline the Licensure and Scope of Practice Provisions," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

19 voted in favor and 124 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 392

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

1 June 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 382, "An Act To Eliminate Certain Fees for Security Freezes and Allow Security Freezes for Minors."

Currently, Maine law provides that victims of identity theft can place a security freeze on their credit report for free. Individuals who aren't victims of identity theft can also place security freezes, but they can be charged up to \$10 for doing so by each of the three credit reporting agencies. The maximum charge for removing the freeze is \$12 per agency. The vast majority of states allow for charges for placement and removal, with about 30 states allowing for \$10 placement fees.

This bill mandates that credit reporting agencies provide both the placement and removal services for free. I do not believe it is appropriate for government to require a private enterprise to provide a service for no charge. For these reasons, I return LD 382 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 Eliminate Certain Fees for Security Freezes and Allow Security Freezes for Minors

S.P. 150 L.D. 382

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

The Following Communication: H.C. 180

Senate at Ease.

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

Senate called to order by the President.

June 1, 2015

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

Off Record Remarks

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 699, "An Act To Update Maine Law To Conform to New Federal Occupational Safety and Health Administration Regulations."

The meddling of the federal government into Maine government is increasing at an alarming rate. These conformity laws do nothing more than add red tape and behold us to the bureaucratic mess that is Washington, D.C. The rigidity of these rules does not provide our agencies the flexibility they need to do the work for the people of Maine.

Additionally, our state agencies should be looking to operate effectively and efficiently without the reliance on federal dollars. We have become addicted to these funds and need to break the cycle of dependency as the federal government is broken and dysfunctional.

Quite simply, the ability of our state government to function has become restricted by the federal government. I return LD 699 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 Update Maine Law To Conform to New Federal Occupational Safety and Health Administration Regulations (EMERGENCY)

H.P. 475 L.D. 699

Comes from the House, 131 members having voted in the affirmative and 11 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit the Selling of Humans" H.P. 812 L.D. 1179

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-241)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-241)**.

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

READ ONCE.

Committee Amendment "A" (H-241) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Expand Housing Opportunities for Patients with Complex Medical Conditions"

H.P. 113 L.D. 155

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-249)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249)**.

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

READ ONCE.

Committee Amendment "A" (H-249) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Expand Public Access to Epinephrine Autoinjectors"
H.P. 776 L.D. 1125

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-250)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250)**.

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

READ ONCE.

Committee Amendment "A" (H-250) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Election Laws"
H.P. 907 L.D. 1335

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-251)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251)**.

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

READ ONCE.

Committee Amendment "A" (H-251) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve Maine's Juvenile Justice System"

H.P. 712 L.D. 1029

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-235)**.

Signed:

Senators:
ROSEN of Hancock
GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
DAVITT of Hampden
GERRISH of Lebanon
LAJOIE of Lewiston
NADEAU of Winslow
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 "B" (H-236)**.

Signed:

Senator:
BURNS of Washington

Representative:
LONG of Sherman

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-235)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-235)**.

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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Expand and Improve State-approved School Construction Projects"

H.P. 866 L.D. 1266

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

Signed:

Senator:
MILLETT of Cumberland

Representatives:
KORNFELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
HUBBELL of Bar Harbor
PIERCE of Falmouth
POULIOT of Augusta
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-253).**

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook

Representatives:

MAKER of Calais
McCLELLAN of Raymond
STEARNS of Guilford

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Earned Pay"

H.P. 456 L.D. 675

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-215).**

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-215).**

Reports **READ**.

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

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

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Limit the Amount That May Be Retained on Construction Contracts"

H.P. 510 L.D. 757

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-238).**

Signed:

Senators:

CUSHING of Penobscot
PATRICK of Oxford

Representatives:

HERBIG of Belfast
AUSTIN of Gray
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
LOCKMAN of Amherst
MASTRACCIO of Sanford
STETKIS of Canaan

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

Signed:

Senator:

VOLK of Cumberland

Representative:

WARD of Dedham

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-238)**.

Reports **READ**.

On motion by Senator **VOLK** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-238) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Strengthen the Right of a Victim of Sexual Assault or Domestic Violence To Take Necessary Leave from Employment"
H.P. 640 L.D. 921

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-239)**.

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 To Pass as Amended by Committee Amendment "B" (H-240)**.

Signed:

Senators:
VOLK of Cumberland
CUSHING of Penobscot

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)**.

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-240)** Report, in **NON-CONCURRENCE**.

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

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-240)** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Preemployment Credit Privacy"
H.P. 795 L.D. 1157

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

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 To Pass as Amended by Committee Amendment "A" (H-213)**.

Signed:

Senator:
PATRICK of Oxford

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

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213)**.

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide Local Sales Tax Increment Disbursements"
H.P. 342 L.D. 503

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

Senators:
McCORMICK of Kennebec
DAVIS of Piscataquis
LIBBY of Androscoggin

Representatives:
BICKFORD of Auburn
CHACE of Durham
SEAVEY of Kennebunkport
SKOLFIELD of Weld
STANLEY of Medway
SUKEFORTH of Appleton
TEPLER of Topsham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-231)**.

Signed:

Representatives:
GOODE of Bangor
MOONEN of Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Create Corridor Districts for the Purpose of Funding Transportation and Transit Services"

H.P. 179 L.D. 247

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-254)**.

Signed:

Senators:
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
POWERS of Naples
VEROW of Brewer

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

Signed:

Senator:
COLLINS of York

Representative:
PARRY of Arundel

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254)**.

Reports **READ**.

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

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

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **COLLINS** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Senate

Ought to Pass As Amended

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Benefit the Education of Denturism Students"
S.P. 349 L.D. 1009

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-160)**.

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

READ ONCE.

Committee Amendment "A" (S-160) **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 Increase the Minimum Population Requirement for a Municipality in Which the Bureau of Alcoholic Beverages and Lottery Operations May Locate an Additional Agency Liquor Store"

S.P. 277 L.D. 779

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-159)**.

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

READ ONCE.

Committee Amendment "A" (S-159) **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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Remove the Municipal Mandate To Enforce the Maine Uniform Building and Energy Code"

S.P. 418 L.D. 1191

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-161)**.

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 **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Off Record Remarks

RECESSED until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve Maine's Juvenile Justice System"

H.P. 712 L.D. 1029

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-235)** (11 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-236)** (2 members)

Tabled - June 3, 2015, by Senator **ROSEN** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 1, 2015, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-235)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-235).**)

(In Senate, June 3, 2015, Reports **READ.**)

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AMENDED BY COMMITTEE AMENDMENT "A" (H-235)** Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#125)

YEAS: Senators: **ALFOND, BAKER, BRAKEY, BREEN, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, VALENTINO, VOLK, WILLETTE**

NAYS: Senators: **BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, HAMPER, KATZ, LANGLEY, SAVIELLO, WHITEMORE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU**

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AMENDED BY COMMITTEE AMENDMENT "A" (H-235)** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-235) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-235)**, in concurrence.

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Earned Pay"

H.P. 456 L.D. 675

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-215)** (7 members)

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

Tabled - June 3, 2015, by Senator **MASON** of Androscoggin

Pending - motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, June 2, 2015, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-215).**)

(In Senate, June 3, 2015, Reports **READ.**)

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'm standing up today in opposition to the Ought Not to Pass Report. This bill has been before us on numerous occasions and we used to call it the BIW Bill. Some large employers allow their workers who have 5 and 6 weeks of vacation to bank them. Basically, as in my paper mill, if you have a long service you are allowed to have 6 weeks of vacation, you can bank some time. The biggest difference is the effect it has on your actual vacations, being that if I put my vacations in on December 15th last year for this year and I decide to pick July, September, November, and December to have my vacations and I've already got my trip to Disneyland or somewhere in December to take my family there, I've already expended the money for my vacation and everything, and then I get laid off. Because I didn't take my vacation January 1st, I now am going to have to take that money that I got from vacations and have it subtracted, basically, from my unemployment. What it will do is you have to take your vacations prior to your getting your unemployment. I think that's extremely unfair because what I do now is I take my vacation pay January 1st and I'm fortunate enough that I can put it in the bank. If I don't need it, I don't have to worry about it. There's an awful lot of people that live pay check to pay check, that can't afford to do that and I think it's unjust that someone should have to have his vacation, if he's laid off, to take the vacation that was earned the previous year versus

this year. I think I would ask everyone to vote in opposition to this motion and move on to the Ought to Pass.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, L.D. 675 represents a cost shift on all Maine businesses. The fact is that under our current system an unemployed worker with 8 or 10 weeks of vacation time has a financial fall back and may find a job during that period. Doing so saves the Unemployment Trust Fund money and mitigates the unemployment tax increase. Passage of L.D. 675 shifts the cost immediately onto the fund and allows workers with vacation pay to essentially double dip. Back in my first term, serving in the 125th Legislature, this was a matter of compromise. This was a bipartisan agreement that we had. I suggest that we should leave it the same way by supporting the pending motion.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk to Accept the Minority Ought Not to Pass Report, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#126)

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

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

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

Sent down for concurrence.

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Strengthen the Right of a Victim of Sexual Assault or Domestic Violence To Take Necessary Leave from Employment"

H.P. 640 L.D. 921

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-239)** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-240)** (6 members)

Tabled - June 3, 2015, by Senator **MASON** of Androscoggin

Pending - motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-240)** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, June 2, 2015, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239).**)

(In Senate, June 3, 2015, Reports **READ.**)

Senate at Ease.

Senate called to order by the President.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#127)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-240)** Report, in **NON-CONCURRENCE, PREVAILED.**

READ ONCE.

Committee Amendment "B" (H-240) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-240),** in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Preemployment Credit Privacy" H.P. 795 L.D. 1157

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-213)** (6 members)

Tabled - June 3, 2015, by Senator **MASON** of Androscoggin

Pending - motion by Senator **VOLK** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, June 1, 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" (H-213).**)

(In Senate, June 3, 2015, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#128)

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

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

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

Sent down for concurrence.

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Create Corridor Districts for the Purpose of Funding Transportation and Transit Services" H.P. 179 L.D. 247

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-254)** (11 members)

Minority - **Ought Not To Pass** (2 members)

Tabled - June 3, 2015, by Senator **MASON** of Androscoggin

Pending - motion by Senator **COLLINS** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, June 2, 2015, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254).**)

(In Senate, June 3, 2015, Reports **READ**.)

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

Senator **COLLINS:** Thank you, Mr. President. An act to create corridors, transportation corridors, throughout Maine, many towns in Maine have considered doing this, many towns can go ahead and do it. They don't need legislation to do it. They simply form their own districts. When you think about towns getting together to do many things here in the state of Maine, Maine being primarily a rural state with a population of approximately 1.3 million people, we have to work collaboratively together to do things for our municipalities throughout the state of Maine. Think about how we do things, we form school districts, we have mutual aid programs with our fire and police, EMTs. To form these transportation corridors, this bill is actually not necessary. It's already law. Under Title 30-A it goes into great description of how to form these transportation corridors. It's not verbatim of the bill in front of you but it's pretty close. I'd strongly suggest that people who are supporting this effort get a copy of this, and I can furnish them with a copy as I have many at my desk here right now. They can look it over. It has clear definitions, very explicit. It's been on the books for quite some time. When you think about towns working together, this is a prime example. This was put together many years ago and it's proven to be a very effective tool for many towns to form collaborations together for a common goal. With that, Mr. President, I would strongly advise folks to Ought Not to Pass because this bill is rather redundant. It's already law. Thank you.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, that explanation we just heard from the good Senator from York, Senator Collins, left out one very important piece. Yes, it's all voluntary. Municipalities can get together and they can do whatever kind of work they want to do as a group. This particular legislation allows these corridors to be created, but the beauty of it is those towns who voluntarily want to

join hands and if they want to do something with transportation, including rail, freight, passenger, or even ferries, whatever it may be, and they want to do, together, some bonding they need this legislation. That's the beauty of this. A, it's all voluntary. B, it says if they do decide to do bonding it has to be a majority vote in each community so one large community can't overrule another. It's actually very basic and very simple. Totally voluntary and I would hope that you would follow the 11-2 report because I think we heard and worked a lot on this bill. I think the final product is a structure that's been created that allows communities to do things, especially if they would like to create some of those corridors, including the rail piece. It's really really helpful if they can do some bonding if they decide to do that. I would urge you to vote against the Ought Not to Pass and follow the Ought to Pass Report. Thank you, Mr. President.

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, bonding is very important to form some of these transportation corridors. Under this same law, Title 30-A, Subsection 2206, Funds, Personnel and Services, any party entering into an agreement under this Chapter may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing any personnel or services for that purpose that may be legally furnished. If the folks supporting L.D. 247 had a clue as to what this document contains they could simply amend this to include bonding. Very simple thing to do. That would address your concerns. I urge the Body to follow my light and accept the Minority Ought Not to Pass Report. Thank you.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm working real hard not to be clueless here, Mr. President. I want to make sure that we understand what's going on. The beauty of this bill is it requires the municipalities to vote individually if they want to do something such as bonding. That's the beauty of this. They have to vote if they want to join. This is a little different than what you are hearing about. This is a detail I think is very important. Please, I would urge you to vote against this Ought Not to Pass. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#129)

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

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **COLLINS** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-254) **READ** and **ADOPTED**, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Add Acetylfentanyl and Methylfentanyl Derivatives to the List of Schedule W Drugs

S.P. 259 L.D. 729
(C "A" S-145)

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

Emergency Measure

An Act To Amend the Trespass Laws Pertaining to Railroad Property

H.P. 563 L.D. 829
(C "A" H-203)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act To Implement the Recommendations of the Task Force To End Student Hunger in Maine

S.P. 324 L.D. 933
(C "A" S-147)

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

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2015-16

H.P. 666 L.D. 967
(C "A" H-210)

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

Ordered sent down forthwith.

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

The President retired from the Chamber.

The Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

Emergency Measure

An Act To Create a Digital Content Library for Education

S.P. 435 L.D. 1230
(C "A" S-146)

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

Emergency Resolve

Resolve, To Study Allocations of the Fund for a Healthy Maine
H.P. 624 L.D. 905
(C "A" H-204)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry

H.P. 957 L.D. 1408

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Acts

An Act Regarding Maine's Power of Sale Foreclosure Law
H.P. 194 L.D. 276
(C "A" H-201)

An Act To Allow Personal Representatives of Children Access to Certain Documents of the Department of Health and Human Services Regarding Child Protective Activities

H.P. 222 L.D. 328
(C "A" H-202)

An Act To Facilitate the Issuance of a Gravestone for a Deceased Veteran with No Next of Kin

S.P. 146 L.D. 378
(C "A" S-126)

An Act To Strengthen the Maine Agriculture Protection Act

H.P. 411 L.D. 598
(C "A" H-200)

An Act To Create a Spat Collection License

H.P. 450 L.D. 669
(C "A" H-218)

An Act To Authorize Free Samples of Liquor by a Restaurant
H.P. 514 L.D. 761
(C "A" H-225)

An Act To Enhance Equity and Efficiency for Off-track Betting
Facilities
H.P. 572 L.D. 838
(C "A" H-206)

An Act To Better Inform the Public of Election Results
S.P. 302 L.D. 858
(C "A" S-130)

An Act To Prohibit the Sale and Possession of Powdered Alcohol
in the State
H.P. 808 L.D. 1176
(C "A" H-226)

An Act To Clarify the Laws Governing the Bureau of
Rehabilitation Services
S.P. 426 L.D. 1199

An Act To Provide for Improved Reporting of Marine Resources
Landings
H.P. 845 L.D. 1227

An Act To Amend the Laws Relating to Motor Vehicles
H.P. 898 L.D. 1320
(C "A" H-224)

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

Ordered sent down forthwith.

An Act To Exempt Military Pensions and Survivor Benefits from
Maine Income Tax
H.P. 198 L.D. 280
(C "A" H-211)

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

An Act To Refund the Sales Tax Paid on Fuel Used in
Commercial Agricultural Production and Commercial Wood
Harvesting
S.P. 104 L.D. 290
(C "A" S-138)

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

An Act To Extend to Certain Fruit and Vegetable Growers the
Sales Tax Exemption for Fuel
S.P. 208 L.D. 592
(C "A" S-136)

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

An Act To Create Community Schools
S.P. 336 L.D. 956
(C "A" S-131)

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

An Act Regarding the Electronic Monitoring Program
H.P. 697 L.D. 1002
(C "A" H-220)

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

An Act To Provide Lower Energy Costs to Maine Businesses and
Residences by Carrying Out the Legislature's Intent Regarding
Funding of the Efficiency Maine Trust
H.P. 833 L.D. 1215
(C "A" H-113)

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

An Act Regarding Ethanol-free Motor Fuel
H.P. 979 L.D. 1435

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#130)

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

NAYS: Senators: None

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Act

An Act To Move a Township from House District 150 to House District 151

H.P. 616 L.D. 897
(C "A" H-188)

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED**.

On motion by Senator **CUSHING** of Penobscot, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

Resolves

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 479 L.D. 1327
(C "A" S-133)

FINALLY PASSED and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Resolve, To Ensure That MaineCare-eligible Children Have Equal Access to Providers of Dental, Hearing and Vision Services
S.P. 242 L.D. 649
(C "A" S-127)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#131)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the Resolve was **FINALLY PASSED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (5/20/15) matter:

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow Dental Hygienists To Prescribe Fluoride Dentifrice and Antibacterial Rinse"

H.P. 74 L.D. 91

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-139)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - May 20, 2015, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **VOLK** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, May 19, 2015, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-139).**)

(In Senate, May 20, 2015, Reports **READ.**)

On motion by Senator **VOLK** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-139) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/21/15) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create a Civil Cause of Action for Intentional Interference with Business Operations"

S.P. 427 L.D. 1200

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

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

Tabled - May 21, 2015, by Senator **ROSEN** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

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

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#132)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS** Report **PREVAILED.**

Under suspension of the Rules, **READ TWICE.**

On motion by Senator **BURNS** of Washington, Senate Amendment "A" (S-149) **READ.**

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this amendment makes a couple of important changes to the bill that we just acted upon that were concerns of the committee when we heard the bill. I'll very briefly state what those are. One is that by requiring a private entity to prove all the elements of the existing crime under Title 17-A in order to prove the liability, it removes the type of activity so the company is able to recover damages from activities protected by the First Amendment. Secondly, it exempts labor relations activities from liability under this chapter. What the bill actually does is it still protects businesses from intentional interference with their operations. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. I don't see this amendment before us.

Senate at Ease.

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

On motion by Senator **BURNS** of Washington, Senate Amendment "A" (S-149) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-149).

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/26/15) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Protect Taxpayers by Regulating Personal Services Contracts"
H.P. 800 L.D. 1166

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-170)** (7 members)

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

Tabled - May 26, 2015, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, May 21, 2015, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-170).**)

(In Senate, May 26, 2015, Reports **READ.**)

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, very briefly, this bill requires the Bureau of General Services to coordinate with all State departments and agencies on making cost savings information, that's already part of contract requirements, public on, I believe it's, OpenCheckbook.gov. This is a good bill for transparency in government spending and I'd ask you to vote against the pending motion.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#133)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, DAVIS, EDGEComb, HAMPER, LANGLEY, ROSEN, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: ALFOND, BREEN, CUSHING, CYRWAY, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO

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

Senator **CUSHING** of Penobscot moved the Senate **RECONSIDER** whereby it **FAILED** to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**

The Chair laid before the Senate the following Tabled and Later Assigned (5/27/15) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens"
S.P. 124 L.D. 309

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-124)** (6 members)

Tabled - May 27, 2015, by Senator **BURNS** of Washington

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

(In Senate, May 27, 2015, Reports **READ.**)

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

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, L.D. 309 is commonly referred to sometimes in certain cycles here in the State Capitol as "The Takings Bill". Why is it called "The Takings Bill"? Because as the result of changes of current land use regulations folks lose the right to use their property, but is still required to pay taxes on it. This has been an issue with folks in my district, Senate District 34 in York County. This bill has come before us previously. It's defined as, quite simply, a way or means to compensate people who do lose the use of their property. In some extreme instances you can't even cut a tree on your property, but yet you are still required to pay real estate taxes on it. It doesn't seem fair. You can't use your property but you've still got to pay the taxes.

This bill and its amendment attempts to alleviate that situation, correct it. I'll read the amendment to you. This amendment adds a takings variance. You can either get compensation monetarily through arbitration or there is a variance

that can be set up and put in place. The variance is an option for the State when a property owner's land is subject to a regulatory taking. The taking variance is a decision by the State to permit departure from the requirements of the regulation. If a fact finder determines that a regulatory taking has occurred, the State must choose between paying damages to the property owner, as provided in the bill, or granting a takings variance. Granting a takings variance means that the regulation causing the regulatory taking may not be applied to the property. The State may also grant a takings variance as a settlement, a settlement offer, as part of the mandatory mediation process.

In some instances, in other State agencies, when the State comes and takes your property through, let's say, the process called eminent domain. I'm familiar with that. I've been on the Transportation Committee now for 13 years. When Maine's DOT is widening a road, or building a new road, putting a new bridge in, sometimes they have to take property by eminent domain. When they do that the owner of that property gets fair market value for the property. That's the process that we have set up for eminent domain. In the case of this bill, L.D. 309, when your property rights have been taken away you ought to be given compensation in some form, either monetarily or be given a variance, as I had just described.

Ladies and gentlemen, I would like to also add that, you may have received this on your desks here today, a number of organizations have endorsed this bill, L.D. 309. Maine Farm Bureau; Maine Aggregate Association; Maine Forest Products Council; Maine Snowmobile Association; Associated Building and Contractors, Maine Chapter; Maine Real Estate and Development Association; Maine State Chamber of Commerce; Associated Contractors of Maine; Maine Realtor's Association. These are all organizations and associations that we are very familiar with here.

The passing of this bill, L.D. 309, and its amendment, ladies and gentlemen, is the right thing to do. You can't just willy-nilly go in and take somebody's property away from them without just compensation. Please follow my light and pass the Minority Ought to Pass Report and I'll conclude my comments. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill creates a costly, complex, unnecessary, and unprecedented scheme that would enable some property owners, including big business and out-of-state corporations, to demand payments from the State Treasury based on biased, self-supported claims that they have lost value in their property due to State regulations. We have seen this bill before. L.D. 309 is essentially identical to proposals that the Maine Legislature has defeated in 2012 and 2013.

How is it costly? The fact is this bill doesn't even require a property owner to seek a permit and get a denial before seeking damages for not being permitted for use. Why wouldn't those who claim that property values are being infringed upon at least demand the property owner prove it by attempting to get a permit? The bill provides no money to cover any compensation costs, nor does it provide resources to cover the millions of dollars in new costs over time for the courts and the Attorney General to defend the Maine Treasury from claims. Because there would be no money to handle a flood of new efforts to extract payments from the State through this new cause of action,

the bill includes a provision that would allow the State to simply waive the regulations. This pay the claim or waive the law provision would pit neighbors against neighbors and allow corporations to build structures in locations that are otherwise illegal. Meanwhile, the State's failure to protect the value and interest of neighbors when regulations are waived will create even more legal costs and damage claims. That's why it's no surprise that the current and former Maine Attorney Generals sent letters to the Judiciary Committee warning us about the cost and potential consequences of passing a law like this. Attorney General William Schneider regarding L.D. 1810, the earlier version of this bill, a similar issue, February 12, 2012, "It is clear that the enactment of this bill would lead to an increase in litigation against the State and, therefore, an increase in demands on the resources of this office. For all of these reasons, we anticipate a significant fiscal impact if the bill were enacted." Attorney General Janet Mills, February 25, 2015, a letter to the Judiciary Committee. "I urge great caution in enacting any law that is certain to increase litigation, that will burden both the courts and this office, and to cast a cloud of uncertainty over future actions of the Legislature and State agencies because of unclear processes and problematic exemptions."

This bill not only fails to require proof that the landowner cannot pursue an allowed use on their property by filing for a permit and getting a denial, the bill also puts State agencies in the costly and untenable position of having to define all possible uses of a property. This would be an enormous new burden for State agency personnel, requiring site visits and resource assessments all over the state. More complexity, more cost, yet that is part of what would have to be identified and determined for any regulation being considered.

The premise of L.D. 309 is that there is a problem obtaining land use permits. Have proponents shown that there is such a problem? No. The data shows that the Maine DEP grants 99% to 100% of permits across all categories, including site law permits, Natural Resource Protection Act permits, significant wildlife habitat permits; demonstrating that we do not have a problem for which this radical proposal is warranted. At the public hearing on this bill we heard no compelling testimony about any specific regulations that are preventing property owners from pursuing legitimate uses of their property. Testimony leaned on innuendo and fears, not specific instances or data. Good laws aren't based on unsubstantiated rumors and fears. Not only that, Maine already has an effective recourse for the few landowners who are not satisfied with the permitting decision. In 1995 the Legislature created a land use mediation program, recommended by a bipartisan Blue Ribbon Commission, headed by Peter Mills and Sharon Treat. That program works, successfully reaching agreement through mediation or agreement between parties prior to mediation. Of the fourteen land use mediation requests since 1996, three are still pending. Of the other eleven, eight reached settlement or reached agreement between parties before mediation and only three were declined by municipalities, which this bill would not address. In other words, it's working. There isn't a problem. The only way it could be better is if more people knew the land use mediation program existed. To that end, the Chairs of the Judiciary Committee recently sent a letter, with the support of the committee, to the Judicial Branch, urging them to increase public awareness of the existing land use mediation program.

What about this bill would be unprecedented? As law makers, we have a responsibility to balance competing interests,

to protect the rights and interests of all Maine people, which includes protection of our natural resources. If a law like this were in place 40 years ago our rivers would still be grossly polluted. The water quality of our lakes would be a serious decline. The Maine landscape would be littered with buildings and structures located in places where they have significant impacts on the environment and property values of other Maine citizens. We need to understand this, as this bill fails to. Laws and regulations very often create property value. Our actions to protect the water quality of our lakes and rivers have greatly increased the property values of people living on those waterbodies. Those increased property values resulted in increased property taxes and stronger town budgets. Where in this bill is the provision that requires property owners to repay the State, and consequently Maine people, for such increases in value of an owner's property? Think about that for a moment. Does that sound extreme? Well it is just as extreme as this bill is in the other direction.

How does L.D. 309 go so wrong to end up so extreme? By starting with the presumption that anyone can do anything they want with land they own. If you own property next to a bad neighbor, who abuses that resumption, you know in your gut how wrong that idea is. Neighbors have rights too, don't they? That gut feeling of right and wrong is actually supported by longstanding case law. The opinion of the Justices in 103 Maine, 506, in 1907, "We think it is a settled principle growing out of the nature of well-ordered society that every holder of property, however absolute and unqualified may be his title, holds it under the implied liability that his use of it may be so regulated that it shall not be injurious to the equal enjoyment of others, having an equal right to the enjoyment of their property, nor injurious to the rights of the community." They were citing Chief Justice Shaw in *Commonwealth v. Alger*, 7 Cush 53, Massachusetts 1851 case law. Very longstanding. This is in 103 Maine, pages 628 and 629: "Regulatory takings is an erroneous term for this proper and longstanding responsibility to equitably regulate land use to balance rights of different individuals and commerce." The issue is limits on land use, not a taking. The present system works. Those aggrieved by a land use permitting decision can avail themselves of the existing mediation process and they can avail themselves of the legislative process to bring about changes if laws or regulations have not achieved that correct balance of interests. There is no doubt in my mind that this fatally flawed bill, with a vast number of legal complexities and untested provisions, would clog the courts with law suits, saddle the State with absurd costs, and hamper the ability of the Legislature to enact future laws to protect the interest of Maine people. I urge you to follow my light and vote in opposition to the pending motion.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to speak very briefly to this bill that's in front of us and in support of the motion. This was a long debate that we had in the committee, as we always do about these issues. This is a concept, or a principle, that's been with this country since its founding, that it is important for people to have the ability to own private property and to do with it as they see fit, within certain restrictions. I don't think there's anybody that doesn't believe that from time to time it is necessary to put certain restrictions or for the State to step in and maybe exercise

eminent domain, but there seems to be a philosophy that keeps coming forward that whenever it appears to be for the best of the majority it's okay to infringe upon individual property rights. I don't agree with that concept. I think this amendment, this bill and this amendment, does allow for circumstances where it's necessary to prevent a private property owner from doing certain things on their land, but it has to be in extreme circumstances. I just want to end by quoting something that I see is very important also. You are all familiar with it. It's in the Constitution of the United States, Amendment 5, which we all are familiar with as far as giving evidence against yourself. The very last part of that Amendment says: "Nor shall private property be taken for the public use without just compensation." That's all this is asking for. If it's necessary to take somebody's private property, or keep them for utilizing it the way they see fit, there should be just compensation. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, thank you for the courtesy of allowing me to briefly address this. Having worked in the 125th Legislature with the Senate President and other colleagues on this matter in a study committee, I speak to this from the experience that was conveyed to us by many people. I would concur with some of the comments made by my colleagues that the current system works. The difficulty is it works poorly in some instances. I think that the position of the courts in regards to issues where your property is impacted significantly leave many people advised by their counsel not to pursue legislative action. It is my understanding, Mr. President, that if you can still park a camper or hold a picnic on your property you have not lost significant enough value. The inability to build or to enhance that property in ways, many of those ways which would be in keeping with numerous other properties that are in that area or community, shows that there is a need to address this, Mr. President. I think as you look at the flyer that was presented to us, the organizations we talk about represent a very diverse group. They probably participate in most, if not all, communities and unorganized territories in the state. To them, their membership has spoken clearly enough that they've indicated a need for this type of action. I would encourage the Body to follow the good Senator from York's light and his action on this. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. I rise to comment on a couple of the statements that have been made. One was that this bill would allow, when it's necessary, to regulate use. I would submit that anyone who doesn't like that regulation can, first of all, make a claim as to the loss of value and use of their property without even attempting to get a permit that establishes that. Right away legal costs are involved or the State has to pay that person what they claim the loss of value is. I don't know how much you think we have for a balance in the State coffers at the moment and just how difficult it is to get a budget that balanced, but I submit to you that that would be a very expensive proposition to achieve any regulation, no matter how necessary, that someone would perceive as diminishing their ability to derive value from use of their land. Furthermore, in

attempting to even produce such a regulation, under this law, it would be necessary for the State to figure out what the impact is on every piece of land and every landowner for having such a regulation before it can even be passed. This is a very extreme bill, ladies and gentlemen. I urge you to follow my light and oppose the pending motion.

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

Senator **COLLINS:** Thank you, Mr. President. I'll be very brief. In the committee amendment it states the State must choose between paying damages to the property owner as result of a taking as provided in the bill or grant a variance. A variance quite simply is this; a taking variance is a decision to permit departure from the requirement or the regulation. Granting a takings variance would be an option dictated by the findings and final disposition of litigation. They can either pay compensation or give a variance. That is a choice the State of Maine has. You talk about folks who own property and you've heard the cliché, "I'm land poor." Pay a lot of real estate taxes every year and in some cases you can't use the property. There should be some compensation. We've discussed that at great length here this afternoon. Getting folks to go to court to face a judge perhaps, some folks are reluctant to do that. They just feel as though they are out of their element and are reluctant to pursue it. They just go along to get along. Still they complain to us legislators about how they've been treated unjustly. This bill will attempt to rectify that.

THE PRESIDENT PRO TEMPORE: The Senator from Lincoln, Senator Johnson, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **JOHNSON:** Thank you, Mr. President. I will just briefly say that, indeed, if it is a necessary regulation of use, as we've been discussing at various points, granting variances to anyone rather than affording the cost of compensating for a person's perceived loss of value mean that, in effect, you have not achieved the regulation you considered necessary. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Washington, Senator Burns to Accept the Minority 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 (#134)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, motion by Senator **BURNS** of Washington to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-124) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/28/15) matter:

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Laws Regarding Nuclear Power Generating Facilities" H.P. 891 L.D. 1313

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-182)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - May 28, 2015, by Senator **WOODSOME** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 27, 2015, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182).**)

(In Senate, May 28, 2015, Reports **READ**.)

Senator **WOODSOME** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senate at Ease.

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#135)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-182) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/29/15) matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Exempt Annuity Considerations from Tax"
S.P. 237 L.D. 644

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-134)** (7 members)

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

Tabled - May 29, 2015, by Senator **McCORMICK** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 29, 2015, Reports **READ**.)

Senator **MCCORMICK** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#136)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-134) **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

RECESSED until the sound of the bell.

After Recess

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (6/2/15) matter:

Bill "An Act To Authorize the Carrying of Concealed Handguns without a Permit"

S.P. 245 L.D. 652
(S "B" S-153 to C "A" S-119)

Tabled - June 2, 2015, by Senator **ROSEN** of Hancock

Pending - **FURTHER CONSIDERATION**

(In Senate, May 29, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY SENATE AMENDMENT "B" (S-153)** thereto.)

(In House, June 1, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY HOUSE AMENDMENTS "A" (H-242) AND "B" (H-247) AND SENATE AMENDMENT "B" (S-153)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **BRAKEY** of Androscoggin, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY SENATE AMENDMENT "B" (S-153)** thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY SENATE AMENDMENT "B" (S-153)** thereto.

On further motion by same Senator, Senate Amendment "C" (S-174) to Committee Amendment "A" (S-119) **READ** and **ADOPTED**.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "D" (S-175) to Committee Amendment "A" (S-119) **READ** and **ADOPTED**.

Committee Amendment "A" (S-119) as Amended by Senate Amendments "B" (S-153); "C" (S-174) and "D" (S-175) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY SENATE AMENDMENTS "B" (S-153); "C" (S-174) AND "D" (S-175) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Eliminate Certain Fees for Security Freezes and Allow Security Freezes for Minors

S.P. 150 L.D. 382

Tabled - June 3, 2015, by Senator **MASON** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, May 20, 2015, **PASSED TO BE ENACTED**, in concurrence)

(In Senate, June 3, 2015, Veto Communication (S.C. 392) **READ** and **ORDERED PLACED ON FILE**.)

The President Pro Tempore 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 (#137)

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

NAYS: Senators: BRAKEY, EDGECOMB, WILLETTE

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, and 32 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 Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Update Maine Law To Conform to New Federal Occupational Safety and Health Administration Regulations (EMERGENCY)

H.P. 475 L.D. 699

Tabled - June 3, 2015, by Senator **MASON** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, May 20, 2015, **PASSED TO BE ENACTED**, in concurrence)

(In Senate, June 3, 2015, Veto Communication (H.C. 180) **READ** and **ORDERED PLACED ON FILE**.)

The President Pro Tempore 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 (#138)

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

NAYS: Senators: BRAKEY, EDGECOMB, WILLETTE

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, and 32 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.

Senate at Ease.

Senate called to order by President Pro Tempore
GARRETT P. MASON of Androscoggin County.

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

Off Record Remarks

On motion by Senator **THIBODEAU** of Waldo, **ADJOURNED** to Thursday, June 4, 2015, at 10:00 in the morning.