

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

Second Regular Session
beginning January 6, 2016

beginning at Page 1434

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

In Senate Chamber
Tuesday
March 1, 2016

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

Prayer by Pastor Glenn Peterson, Hope Baptist Church in
Manchester.

PASTOR PETERSON: Let us pray. Our Heavenly Father, we
thank You that You hear us when we call upon You as we pray.
Lord, we ask today that You would have mercy on these Senators
as they do their work for You and for the people of this state.
Give them the power that they need to work with civility so that
the people of this state can live in justice and in peace. Protect
the families of these Senators as they face the challenges that
come with serving in this office. It is hard for them to serve in this
way. We thank You that You know how hard it is to be a servant,
O Lord, for Jesus himself said that he did not come to be served
but to serve and to give his life for many. As these Senators give
their lives and their time and their effort for the people of our state
today may the people of this state hold them in high esteem for
their sacrifice and service and may these Senators work with
patience today. May they have patience with one another,
patience with the legislative process, and patience with
themselves when they make mistakes. Give them grace today,
grace that they need to do their work. Thank You, Lord, for
hearing our prayer. Thank You for hearing our prayer for mercy
for these Senators. In Your almighty name we pray. Amen.

Pledge of Allegiance led by Senator Linda L. Baker of Sagadahoc
County.

Reading of the Journal of Thursday, February 25, 2016.

Doctor of the day, Senator Geoffrey M. Gratwick, M.D of Bangor.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 775

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

February 24, 2016

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule
505 of the Maine Legislature, the Joint Standing Committee on
Marine Resources has had under consideration the nomination of
Arnold A. Nickerson, IV of Arundel, for reappointment to the
Marine Resources Advisory Council.

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

YEAS	Senators	1	Baker of Sagadahoc
	Representatives	8	Kumiega of Deer Isle, Alley of Beals, Battle of South Portland, Devin of Newcastle, Hawke of Boothbay Harbor, Pierce of Dresden, Sawicki of Auburn, Tuell of East Machias
NAYS		0	
ABSENT		4	Sen. Langley of Hancock, Sen. Miramant of Knox, Rep. Blume of York, Rep. McCreight of Harpswell

Nine members of the Committee having voted in the affirmative
and zero in the negative, it was the vote of the Committee that the
nomination of Arnold A. Nickerson, IV of Arundel, for
reappointment to the Marine Resources Advisory Council be
confirmed.

Signed,

S/Linda L. Baker
Senate Chair

S/Walter A. Kumiega
House Chair

READ and ORDERED PLACED ON FILE.

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

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 127th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#508)

YEAS: Senators: None

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

EXCUSED: Senator: KATZ

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Arnold A. Nickerson, IV** of Arundel for reappointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 776

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

February 24, 2016

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of Daniel L. Rogde of Jonesport, for appointment to the Marine Resources Advisory Council.

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

YEAS	Senators	1	Baker of Sagadahoc
	Representatives	9	Kumiega of Deer Isle, Alley of Beals, Battle of South Portland, Blume of York, Devin of Newcastle, Hawke of Boothbay Harbor, Pierce of Dresden, Sawicki of Auburn, Tuell of East Machias
NAYS		0	
ABSENT		3	Sen. Langley of Hancock, Sen. Miramant of Knox, Rep. McCreight of Harpswell

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Daniel L. Rogde of Jonesport, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Linda L. Baker
Senate Chair

S/Walter A. Kumiega
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 127th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#509)

YEAS: Senators: None

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

Representatives 8 Herbig of Belfast, Austin of Gray, Bates of Westbrook, Campbell of Newfield, Gilbert of Jay, Lockman of Amherst, Stetkis of Canaan, Ward of Dedham

NAYS 0

ABSENT 3 Sen. Cushing of Penobscot, Rep. Fecteau of Biddeford, Rep. Mastraccio of Sanford

EXCUSED: Senator: KATZ

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Daniel L. Rogde** of Jonesport for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 777

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

February 25, 2016

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of James A. Clair of China Village, for reappointment to the Loring Development Authority of Maine.

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

YEAS Senators 2 Volk of Cumberland, Patrick of Oxford

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of James A. Clair of China Village, for reappointment to the Loring Development Authority of Maine be confirmed.

Signed,

S/Amy F. Volk
Senate Chair

S/Erin D. Herbig
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 127th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#510)

YEAS: Senators: None

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

EXCUSED: Senator: KATZ

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **James A. Clair** of China Village for reappointment to the Loring Development Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 778

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

February 25, 2016

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of James M. Cote of Limestone, for appointment to the Loring Development Authority of Maine.

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

YEAS	Senators	2	Volk of Cumberland, Patrick of Oxford
	Representatives	8	Herbig of Belfast, Austin of Gray, Bates of Westbrook, Campbell of Newfield, Gilbert of Jay, Lockman of Amherst, Stetkis of Canaan, Ward of Dedham
NAYS		0	
ABSENT		3	Sen. Cushing of Penobscot, Rep. Fecteau of Biddeford, Rep. Mastraccio of Sanford

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of James M. Cote of Limestone, for appointment to the Loring Development Authority of Maine be confirmed.

Signed,

S/Amy F. Volk
Senate Chair

S/Erin D. Herbig
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 127th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#511)

YEAS: Senators: None

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

EXCUSED: Senator: KATZ

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **James M. Cote** of Limestone for appointment to the Loring Development Authority of Maine was **CONFIRMED**.

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

Off Record Remarks

The Following Communication: S.C. 784

**STATE OF MAINE
127TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

February 25, 2016

Honorable Heather J.R. Priest
Senate Secretary
#3 State House Station
Augusta, ME 04333-0003

Dear Secretary Priest,

Pursuant to my authority under Title 37-B, §792, I have reappointed Chief William Hussey of Peru to the State Emergency Response Commission effective immediately. Chief Hussey will continue to represent volunteer firefighters.

Please do not hesitate to contact me should you have any questions regarding this reappointment.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 779

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

February 24, 2016

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

Dear President Thibodeau and Speaker Eves:

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

L.D. 981 An Act To Establish a Veterinary School

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley S/Rep. Victoria P. Kornfield
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 780

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

February 25, 2016

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. 879 An Act To Ensure High-quality
Telecommunications Services for Maine
Consumers and Businesses

This is notification of the Committee's action.

Sincerely,

S/Sen. David Woodsome S/Rep. Mark N. Dion
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 781

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

February 25, 2016

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. 1209 An Act To Increase the Effectiveness of Peer
Supports in the State

L.D. 1548 An Act To Establish a Foster Parents' Bill of
Rights

This is notification of the Committee's action.

Sincerely,

S/Sen. Eric L. Brakey S/Rep. Andrew M. Gattine
Senate Chair House Chair

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

The Following Communication: S.C. 782

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

February 17, 2016

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

Dear President Thibodeau and Speaker Eves:

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

L.D. 1479 An Act To Create Improved Consumer
Protection against Long-term Care Insurance
Premium Rate Increases

This is notification of the Committee's action.

Sincerely,

S/Sen. Rodney L. Whittemore S/Rep. Henry E. Beck
Senate Chair House Chair

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

The Following Communication: S.C. 783

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

February 22, 2016

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

Dear President Thibodeau and Speaker Eves:

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

L.D. 1520 An Act To Amend Maine's Military Bureau Laws
(EMERGENCY)

This is notification of the Committee's action.

Sincerely,

S/Sen. Scott W. Cyrway S/Rep. Louis J. Luchini
Senate Chair House Chair

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

Senate at Ease.

Senate called to order by the President.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 40: Rule for Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education (EMERGENCY) H.P. 1059 L.D. 1556

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Encourage Roller Derby"

H.P. 1062 L.D. 1559

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Allow the Director of the Bureau of Parks and Lands To Transfer Ownership of Snowmobile Trail Maintenance Equipment to Incorporated Nonprofit Snowmobile Clubs"

H.P. 1008 L.D. 1485

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-520).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-520).**

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

READ ONCE.

Committee Amendment "A" (H-520) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Create Equity among Essential Nonprofit Health Care Providers in Relation to the Sales Tax"

H.P. 1046 L.D. 1521

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-521).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-521).**

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

READ ONCE.

Committee Amendment "A" (H-521) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste Energy Resources"
H.P. 191 L.D. 273

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

Signed:

Senator:

MASON of Androscoggin

Representatives:

DUNPHY of Embden

GROHMAN of Biddeford

HIGGINS of Dover-Foxcroft

O'CONNOR of Berwick

WADSWORTH of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-519).**

Signed:

Senator:

WOODSOME of York

Representatives:

DION of Portland

BABBIDGE of Kennebunk

BEAVERS of South Berwick

DeCHANT of Bath

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED.**

Reports **READ.**

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

Senate

Pursuant to Joint Order

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Strengthen the Laws on Operating a Motor Vehicle under the Influence of Intoxicants"
S.P. 661 L.D. 1628

Reported that the same be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, pursuant to Joint Order, S.P. 631.

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

Bill and accompanying papers **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent down for concurrence.

Pursuant to Joint Rule 353

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement Certain Recommendations of the Maine Proficiency Education Council"
S.P. 660 L.D. 1627

Reported that the same be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, pursuant to Joint Rule 353.

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

Bill and accompanying papers **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

Pursuant to Joint Order

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Establish the Commission To Continue the Study of Difficult-to-place Patients (EMERGENCY)
S.P. 653 L.D. 1615

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Joint Order, S.P. 639.

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

Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Pursuant to Joint Order

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Expand Geropsychiatric Facility Capacity"
S.P. 654 L.D. 1616

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Joint Order, S.P. 639.

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

Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Pursuant to Joint Order

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Long-term Care Ombudsman Program"
S.P. 655 L.D. 1617

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Joint Order, S.P. 639.

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

Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Pursuant to Joint Order

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Additional Resources for Nurse Education Consultants in the Department of Health and Human Services"
S.P. 656 L.D. 1618

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Joint Order, S.P. 639.

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

Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Pursuant to Joint Order

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Home Care Service Rates for Serving Persons with Complex Medical Needs
S.P. 657 L.D. 1619

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Joint Order, S.P. 639.

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

Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Pursuant to Joint Order

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Establishing a Stakeholder Group To Examine Methods of Protecting the Elderly and Persons with Disabilities from Financial Exploitation

S.P. 658 L.D. 1620

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Joint Order, S.P. 639.

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

Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Pursuant to Joint Order

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities

S.P. 659 L.D. 1621

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Joint Order, S.P. 639.

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

Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Ought to Pass As Amended

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Maine's Children from Sexual Abuse and Exploitation"

S.P. 386 L.D. 1114

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-369)**.

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

READ ONCE.

Committee Amendment "A" (S-369) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Law Concerning Carbon Monoxide Detectors" (EMERGENCY)

S.P. 574 L.D. 1476

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-370)**.

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

READ ONCE.

Committee Amendment "A" (S-370) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Facilitate the Distribution of Food Harvested or Processed in Maine to Residents with Food Insecurity

S.P. 569 L.D. 1471

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-373)**.

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

READ ONCE.

Committee Amendment "A" (S-373) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator COLLINS for the Committee on **TRANSPORTATION** on Bill "An Act To Improve the Safety of Ferries in the State"

S.P. 566 L.D. 1468

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-374)**.

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

READ ONCE.

Committee Amendment "A" (S-374) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Reduce the Trafficking of Illegal Drugs in the State"

S.P. 596 L.D. 1534

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-371)**.

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFKY 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" (S-372)**.

Signed:

Representative:

LONG of Sherman

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-371)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-371) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Update the Laws Governing the Maine Veterans' Homes"

S.P. 586 L.D. 1524

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

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
GOLDEN of Lewiston
KINNEY of Limington
LONGSTAFF of Waterville
SAUCIER of Presque Isle
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-368)**.

Signed:

Representatives:

DILLINGHAM of Oxford
HANINGTON of Lincoln
TURNER of Burlington

Reports **READ**.

On motion by Senator **CYRWAY** of Kennebec, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

Senate As Amended

Bill "An Act To Amend Maine's Motor Vehicle Laws"

S.P. 581 L.D. 1483
(C "A" S-367)

Bill "An Act To Protect All Students in Elementary or Secondary Schools from Sexual Assault by School Officials"

S.P. 601 L.D. 1540
(C "A" S-365)

Bill "An Act To Protect Maine Voters from Intimidating Videotaping at the Polls"

S.P. 625 L.D. 1574
(C "A" S-366)

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

Sent down for concurrence.

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

ENACTORS

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

Act

An Act To Amend the Laws Governing Participating Local Districts in the Maine Public Employees Retirement System

H.P. 690 L.D. 995
(C "A" H-514)

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

Ordered sent down forthwith.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a Major Substantive Rule of the Department of Education

H.P. 1058 L.D. 1555

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

Ordered sent down forthwith.

Resolve

Resolve, To Name a Bridge between Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge

S.P. 619 L.D. 1571

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

Senator **DAVIS:** Thank you very much, Mr. President. Ladies and gentlemen of the Maine Senate, I rise today to support this issue. This legislation proposes to rename a bridge, or the bridge, on the Stagecoach Road, crossing the Piscataquis River between the towns of Atkinson and Sebec, the John "Jay" Brainard Gold Star Memorial Bridge. It also requests that the department erect appropriate signs on both sides of the bridge. It's only fitting, ladies and gentlemen, that I take a moment to tell you about this remarkable young man. Captain John "Jay" Brainard was born on September 1, 1985 in Waterville, Maine. At the age of 10 he moved to Atkinson to live with his maternal aunt and uncle, Donald and Nancy White. Jay, as he was known, attended Foxcroft Academy and graduated with honors in 2004. He went on to attend the University of Maine where he academically excelled. While at the University he served as President of the Scabbard and Blade Honor Society and Vice President of the Owls Honor Society. He was the recipient of the prestigious Joshua Chamberlain Award for Excellence and graduated Magna Cum Laude with a degree in Political Science in 2008. Jay's interest in our armed forces began in college where, at the University of Maine, he was involved in the ROTC program. He excelled in this program, receiving what was called the Superior Cadet decoration during his junior and senior years. Following completion of college, Jay was commissioned to Second Lieutenant and went on to train as a Apache helicopter pilot at Fort. Rucker Alabama. Making his way up the ranks, he was stationed in Germany, where he was promoted to Captain and served as an Attack Platoon Leader for Bravo Company 3-159 Combat Aviation Brigade. He was deployed to Afghanistan in March 2012 in support of Operation Enduring Freedom. He gave the ultimate sacrifice on Memorial Day 2012 when he was killed in action. Posthumously Captain Brainard received the Bronze Star Medal, the Air Medal, Army Commendation Medal, Army Achievement Medal, NATO Medal, National Defense Medal, Global War on Terrorism Medal, Combat Action Medal, and the Purple Heart. Naming this bridge ensures that the memory of this young man's life and his sacrifice will live on for many generations to come in this small community in Piscataquis County. We, as people, cannot afford to forget what he and so many others have given to secure our freedoms. I ask you, my colleagues, to follow my light and vote in favor of this legislation. Mr. President, when the vote is taken I would like a recorded vote please. Thank you.

On motion by Senator **DAVIS** of Piscataquis, 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 (#512)

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

NAYS: Senators: None

EXCUSED: Senator: KATZ

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

Ordered sent down forthwith.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber with us today Captain Jay Brainard's aunt and uncle, Donald and Nancy White of Atkinson. They are the guests of the Senator from Piscataquis, Senator Davis. Would they please rise and accept the greetings of the Senate.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Eliminate the Maine Estate Tax"
H.P. 1101 L.D. 1622

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

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

Pursuant to Statute
Department of Public Safety, Office of the State Fire Marshal

The **Department of Public Safety, Office of the State Fire Marshal**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Late-filed Major Substantive Rule of the Department of Public Safety, Office of the State Fire Marshal (EMERGENCY)

H.P. 1105 L.D. 1626

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Pursuant to Statute
Administrator of the unorganized territory

The **Administrator of the unorganized territory**, pursuant to the Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2016-17"

H.P. 1102 L.D. 1623

Be **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Pursuant to Resolve

Senator DAVIS for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Authorize a General Fund Bond Issue for the Construction of a New Fish Hatchery"

S.P. 662 L.D. 1630

Reported that the same be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, pursuant to Resolve, chapter 53, section 2.

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

Bill and accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**

Sent down for concurrence.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (2/9/16) matter:

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License"
S.P. 563 L.D. 1462

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-355)** (6 members)

Tabled - February 9, 2016, by Senator **CYRWAY** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, February 9, 2016, Reports **READ**.)

Senator **CYRWAY** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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 PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I will be relatively brief, but I do want to call your attention to a couple of things. There is some belief in Maine, and I do not believe this but there are some, that manufacturing is dead. Well, first, that is wrong, that belief.

Secondly, when we look at the craft industry here in the state of Maine we're talking about manufacturing. It's manufacturing a product that is major in Maine, employs over 4,000 jobs, has an economic development of over \$430 million to our state. It's creating another attraction for people to come to the state of Maine. We all know we have our blueberries and lobsters. Well, across the country now people know us also for our craft beer. This bill would allow something that I think is pretty straight forward. It's saying that if you craft your own beer you do not have to have a separate wall or gift shop to actually sell that beer. Let's put this another way. A lot of us have been in business. A lot of us own businesses. Why would we get in the way of allowing a business to run their operation effectively, efficiently? A gift shop, you need to have another person manning it. You've got to have oversight over it. Why not have the operations combined as one? I'll end by saying that I know there is lots of rhetoric, and we're going to have more of it coming in 2016. Who's more business friendly? Who wants less regulations? Well, folks, here's an opportunity for us all to join together as one. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you, Mr. President. I'd like to pose a question through the Chair to anyone who might be able to answer it.

THE PRESIDENT: The Senator may pose his question.

Senator **LANGLEY:** Thank you, Mr. President. The question I would propose is one I need to have clarified before I cast my vote. I understand that there had been some kind of determination by the Attorney General that this was already allowed in current law. I hadn't had quite enough time to fully investigate that. Is there someone here in the Body that could answer that for me I'd really appreciate it.

THE PRESIDENT: The Senator from Hancock, Senator Langley poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen, I get up to answer the question. I'd be happy to pass around the Assistant Attorney General's confirmation that the current restriction being enforced by BABLO doesn't exist currently. Again, what the Assistant Attorney General is saying is there is no such kind of law that BABLO needs to be enforcing, yet they still are doing it. We are trying to clarify this for small businesses. Again, getting rid of unnecessary regulations. The big hand of government coming in from Augusta to our small craft breweries. That is what we are trying to eliminate with this piece of legislation, Mr. President. Thank you.

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

Senator **JOHNSON:** Thank you, Mr. President. I'm not sure I have that much fire, but I do have some of the realities of why lifting this restriction is important. I'll give you the smallest example. On the Island of Monhegan there's a craft brewery. It's

a husband and wife operation. They run the brewing operation and they also have samplings. Now if they are going to have to have, in order to expand their business and run any kind of a pub or a restaurant on the island, which it certainly needs, they are going to have to have people go out one door and go in another and then add staff in order to have someone there to serve them. That's not the way to support a small business in the state of Maine. There are many such businesses in my district that are selling, frankly, not only statewide but into other states as well, but they are a great draw for the tourism in my region. People enjoy going out and having a craft beer. There's a great deal of variety. There's a great deal of using locally sourced materials, again from the state of Maine. Why would we require that they not only have staff to wait on people on the pub side, or the restaurant side, but also staff for this not busy area, dealing with the brewing and making sure that they comply with the regulations there and get the job done, frankly, of manufacturing their product and they would also have to have someone at the ready to serve those customers when they come through that other door? These are small-scale operations, but they are a growing sector in Maine and we should be helping support it rather than continuing to put ridiculous requirements in their way. There is absolutely no safety benefit of requiring someone to go out one door and in another before purchasing what they're going to leave that site with for alcoholic beverages. None whatsoever. We're just standing in the way of more efficient business practice. Thank you, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. Men and women of the Senate, I urge you to follow my light and vote with this bipartisan Majority Ought Not to Pass Report for L.D. 1462. I have grave concerns about this bill relating to the public safety and enforcement and the uneven playing field it creates, the bill's attack on our three tier system, the tax problems it creates, and the cost. As a former law enforcement officer, I've seen firsthand the travesties and tragedies that irresponsible drinking and selling of alcohol can bring. As a DARE officer I've spent countless hours teaching kids about these dangers and I, for one, will not stand here and watch us send those kids a dangerous message by passing this bill and getting us that much closer to deregulating alcohol altogether.

First, let's look at the enforcement concerns. BABLO clearly told our committee on multiple occasions that they had serious enforcement concerns with this bill, enforcement concerns and public safety concerns. BABLO told us that with the current resources they cannot properly monitor these brew pubs. Their concerns are well-founded. I've been out there and enforcement of this stuff is not easy. This bill creates a new paradigm that will require inspections, training, consulting, and considerable staff time to be properly implemented. Further, BABLO must track and monitor transfer of products, which is more difficult to do between establishments of a common owner. Despite adding these challenges, the bill allocates no additional support to BABLO. This problem is compounded by the fact that BABLO currently does not have a sufficient number of inspectors and field teams. This would require even more staff. Furthermore, from the public safety perspective, there is no limitation on how much beer can be sold by the brew pub to go. As written, brew pubs could sell a customer beer all night at the bar and sell a six pack, or maybe a

case, to the same customer on their way out the door. There is no limit.

Second, I'm concerned with the uneven playing field this bill creates by putting countless bars, restaurants, retailers, and other veterans' organizations at the competitive disadvantage in order to help a handful of brew pubs. The bill allows only brew pubs to sell to go from on premise locations. No other bar, restaurant, convenience store, or non-profit and veterans' club organization can do that. Furthermore, the bill allows only a brew pub's own products to be sold to go from the brew pub and no other brewery's products or any of the most popular regional or national beers.

Third, the bill raises serious concerns by opening up the door to deregulating alcohol altogether. Make no mistake, this is not a minor change. It is a serious erosion of the proven alcohol regulatory structure known as the three tier system because it separates the division of the tiers within the brew pub facility and invites competitors to request the same treatment. Next session you can bet that the breweries will be back wanting to sell other products, not just their own, to go. I'm confident in that because they already tried last session, in two different bills that we defeated, to allow them to do something similar. You know that the bars, restaurants, and convenience stores will all be wanting to have the same privileges as the brew pubs. This bill would open that door.

Fourth, the bill will be a nightmare for taxes. It is important to have on and off premise alcohol sold from physically separated and distinctly licensed facilities to avoid tax problems and be sure alcohol is sold responsibly. Products sold to go and for on premise consumption are taxed at different rates: 5.5% and 7.5% respectively. Confusing on any accuracy could result in decreased tax revenue. Also staff training to responsibly sell products to go and on premise is very difficult. A separate points of sale system allows BABLO to enforce regulations by clearly reconciling production numbers versus sales numbers and tracking the volume of beer produced and sold by licensed entities.

Finally, what is this going to cost? I wish I could tell you. We don't know. BABLO told the committee that the bill would require additional funding but the fiscal note is not available yet. We just don't know how much this would be. One thing I know for sure, if we don't provide the additional funding as BABLO has requested, all the concerns I just laid out will be multiplied. In closing, please remember that the regulation of alcohol is serious business. Without proper regulation alcohol can destroy the lives of families. We cannot allow public safety to be compromised. We cannot send the wrong message to our children. Please follow my light. Please vote for the Majority Ought Not to Pass Report on this bill. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll be brief. First, I just wanted to commend my colleagues from Cumberland and Lincoln for, I think, some really impressive free market principles. I hope that's a wonderful sign of things to come. Anyway, I just wanted to share my agreement. The other week I was in New Hampshire and I happened to be with some folks and we went to a local meadery. We went into the meadery, a local small business, and we purchased and sampled some of the different kinds of mead and found what we liked and then we went right

over to the cooler, picked out a couple of bottles of mead to purchase for our own consumption off premise. You know what? It was convenient for us. It was convenient for the business. The state of New Hampshire isn't on flames. It works out very well for them there. In Androscoggin County, in the Lewiston/Auburn area, we have many craft breweries that are coming up, that are really emerging businesses in a really emerging industry for our state. I think it simply does not make sense. It seems the big hand of government completely coming in there, artificially saying that you cannot purchase for on premise and off premise unless you have a wall, separate doors. It's completely unnecessary government regulation and I encourage us to reject the motion on the floor and pass this good piece of legislation. Thank you very much.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, surprisingly I disagree with the good Senator from Kennebec. I've noticed some of the defenses about alcohol policy in the state go back to where we have a three tier system; we've always done it this way. We're not talking about expanding alcohol to minors. We're not talking about regulations to try to keep it safe. Prohibition didn't work so we came up with a system that tries to do the best we can about balancing the rights of adults with the protection of our children. This one takes some of our industries that have been mentioned by folks from both sides here and allows them to sell their product. It allows them to be responsible and sell it responsibly. They're going to also ask to expand it in the future because that's what they should be asking for. We shouldn't be looking at an archaic policy to say we can't do it because we never did it that way. New businesses start, regulations change with the times, and I'll bring in a few hours' worth of the ones we had to change to come current with modern times sometime and read them for you. Let's start getting our head out of the sand, looking at what works, protecting our children, and recognizing where we can help. This is where we can help. Vote against this please and let's move on to making business work for this state. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I wasn't going to speak but someone has and I will, and I'm sorry. I have to respectfully disagree with my good friend from Waterville and just point out a few things. In the hearing, although I was not there, BABLO testified neither for nor against. Number two, Senator Cyrway mentioned the fact there was no fiscal note. I just looked it up. There is a fiscal note on it and it says it can be absorbed with no cost. Number three, I do have concern about people drinking all night. However, the difference is they simply go out the door and in the other door to buy the beer. Number four, two bills were introduced, I believe one by Senator Brakey and one from a person from the other Body. I believe the one that was introduced from the other Body, in fact, passed. That was Representative Guerin's bill. Finally, why would I sell someone else's beer in my microbrewery? I'm marketing my beer and selling my beer. Thank you very much, Mr. President.

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

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just quickly, to me this is actually a safer way of selling it because right now I can walk into my local brew pub with my half gallon growler, fill it up, walk out the door, it's got a screw cap on it, and the expectation is that I'm going to consume that immediately. I would think this would be a better of actually selling it at these brew pubs. The second issue is BABLO already has to go to those brew pubs to see if they are selling the growlers and the like so I don't see why this would add a huge amount of effort on their part. Thank you.

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

Senator **VOLK:** Thank you, Mr. President. I would like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **VOLK:** Thank you, Mr. President. I was just wondering whether the committee considered limiting the amount of beer that could be sold per customer?

THE PRESIDENT: The Senator from Cumberland, Senator Volk poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just feel if we're going to break the laws that we've designed, it's a three tier system of manufacturing, retail, and wholesale, if we're going to start breaking the doors down, clearing the walls out, it's going to send a ripple effect to other branches of sales. We're just throwing the rock out there and we're going to make that big wave and it's going to continue. No matter what you do, if you're going to try to break it down and make it a little simpler or whatever, if you're going to take away the three tier system do that, but if you're going to have a three tier system let's not break it down so that it's weak and it's not working. Now, as you know, we got rid of liquor enforcement. We have BABLO to take the place of it. The manpower is just not there to handle this. I just believe that even if you want less amounts or whatever or what time you're going to stop it really doesn't matter in this situation. I think we're just breaking down what we've got in place. Thank you.

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I wasn't going to rise to speak on this bill but, as the old cliché goes, I feel compelled to speak now. This is a relatively new industry, these microbreweries. They started out in the City of Portland, I believe. It was one of the first. They've grown. It's a new segment. It's growing rapidly. Most of the brew pubs that I'm acquainted with, and believe me that that's not my choice of beverage, adult beverage, but I know a lot of folks who do like that kind of adult beverage, they pretty much sell all they brew. They don't distribute to other restaurants or clubs

or whatever the case may be. They are a few exceptions but for the most part the brew that's manufactured and processed right there in the brew pub is consumed right there. When you think about a business model and you've got a microbrewery in a restaurant and patrons come in and they have dinner and they have one of the local brews right there at that restaurant where it's actually manufactured. The patron says, "Gee, I like that. I'd like to take some of that home." He tells his waitress, "How can I get some of that? This beer I just had. It tastes pretty good. I'd like to have some of that to take home." "Well, we can do that for you." They go to the bartender and tell them that this person at table number whatever wants a six pack of this product to take home. Somebody has to physically leave the restaurant, walk outside, go around the end of the building and into a separate entrance to purchase that beverage, and bring it back to the table so that person can take it home. That's just a purely bad way of doing business. I think this bill is probably the wrong way right now. I think perhaps we should vote Ought Not to Pass on this legislation and move forward. Thank you.

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

Senator **JOHNSON:** Thank you, Mr. President. I'd like to respond to a couple of things. First of all, businesses have for quite some time had a solution to whether an item is taxed or not or what rate it's taxed at. It's called a cash register. I think that we can handle taxable items and what their taxable rates are. It's not like we're talking about people walking out the door, if they're buying it in bulk, with a bunch of mugs of their local craft brew. They are crows or growlers or a six pack. Let's take the example for a moment in regards to enforcement. A family, or couple, goes into the Watershed Tavern, Boothbay area. They are there for the tourism. They are really enjoying the coast. They are enjoying their evening out. Dinner, a brew, and decide they like it. Maybe it's some folks that are coming in there and spending an evening and having a bunch of drinks and perhaps getting to the point where they shouldn't have more. If the response to someone interested in buying some to take home is to tell them to go out and go in another door I submit to you that it's safer, from an alcoholic consumption safety perspective, if the server that knows they've had enough actually suggests maybe, if you're selling these crows out of the tavern, "Why don't you come back tomorrow because you've had enough." If you go in the other door on the other end of the building, as you have to today, they know absolutely nothing about what that person has had to drink. Nothing. They don't know whether they just arrived in their vehicle and decided to pick some up to take down to their camp or wherever they're staying, in the cottage they rented for the summer, or if they just came out of the pub, or were kicked out of the pub for that matter for having too many, and they're walking in the other door and buying some to take out on the road somewhere. This is really commonsense, straight forward thing that we are achieving nothing but adding complexity on the business side and inefficiencies. To make someone walk out one door and walk in the other and expect that someone be there to serve them on that manufacturing side of the business. I ask that you vote against the pending motion and follow me in supporting this bill. Thank you.

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 don't know a whole heck of a lot about the three tiered system, although I've been on the committee since 2000, 16 years now, but I have been a staunch supporter of it because the understanding of why it was put into place. There was a separation between the manufacturers, the distributors, and the retailers. In my years on the committee I have found that we do listen to businesses. We do try to make things easier for business because there were no microbreweries years ago. There were actually small breweries. There were no distilleries in Maine. They came before the committee, brought forward the ideas and stuff, and we looked at trying to make the businesses as profitable and as easy as we could with as few regulations as we could. Why do we have any regulations at all? Well, I think it's a controlled substance. You just can't let a kid go in and buy it and drive drunk and get killed on the highway, because that's happened in the past. There are rules and regulations and there are licenses. Why are there differences in licenses? Each license separates different entities from other things for specific reasons. Why are the rules and regulations for a small brewery, a microbrewery, and then one that wants to get to the next level that can sell 50,000 gallons and then beyond the 50,000 gallons? Why the different rules and regulations happens to be because of some of the tax structure happens to be some of the different things that make the decision as to whether or not you want to invest more going forward. I've seen all these bills come over, trying to nip here and nip there and stuff. Is it a good business bill? Is it a bad business bill? It's dependent on how you look at it. It might be. From my standpoint I don't have a problem. One of the things that the Senator from Waterville brought up was that this was actually just picking the breweries. I happen to belong to a non-profit. I know a lot of the VFWs and the American Legions, AMVETS, would like to have the ability that if I come over to the club to sign the book or something, have a couple of beers, if I want to buy a six pack or twelve pack. If I go to a restaurant, why can't I take out a twelve pack from there, or a thirty pack, after I've had a nice meal and either a glass of wine or a craft brew that happens to be from a local brewery. I don't know. The differentiation between the licenses, the on premise and off premise, is one of the things that is one of the stickler points in why you can do one and why can't you do the other one. You look at the simplicity of our tax system. Some products sell for 5.5 and some sell for 7.5. I'll tell you one thing about the industry in Maine, whether it be restaurants, whether it be bars, whether it be social clubs, everyone wants to get the advantage that they can because I'll guarantee you right now if you go into certain package stores and you look at the liquor bottles, I've actually done this myself, I've gone to a couple of places and kind of looked at the liquor bottles, and spun them around, there is no Maine liquor stamp on the bottle. I know where the bottle came from. It came from New Hampshire. There are actually restaurants and bars that will go to New Hampshire when they empty a bottle in Maine and they will pour bottles in from New Hampshire because it's cheaper because if you're selling it to customers right next door you're going to be able to have an advantage over them because if you both sell a drink or a beer for \$2 or \$5 and you're getting it cheaper you're going to be able to get it because there are a lot of shenanigans that happens in a lot of these different businesses. I don't particularly drink craft beer myself. I haven't acquired a taste, maybe I will in the near future if I go to enough of them little brew

pubs. There are reasons why we have the three tiered system and I actually like how the separation between the manufacturers, distributors, and retailers work. It can be a little onerous at sometimes, but it has actually effectively worked over the years. This is one of the ones where I am on the side of the Ought Not to Pass side because I don't think we're ready for this. If the committee would have sat down and had enough time instead of just one entity wanting something and seeing what the ramifications of the proliferation of the possibilities of next session coming, because I will guarantee you next year that if you give an advantage to one the other one's going to come and want the same equal advantage, if not more, because that's the way business works. I would want it if I was a brewer myself. I've had to say to many people that testified, I'd ask them questions, that you have your business model, why didn't you look into the business of what you can do up to a certain point, like the 50,000? How did that get there? That's there because we factored in the amount between small, medium sized brewery and that way the investment for a brewer, and even the brewers now, we're lucky to have the University of Maine System to help them out to develop their products, which is good but you still have to factor into your business model if you want to be a small brewer, do you want to be a medium sized brewer, or do you want to be an Anheuser-Busch? You've got to start somewhere, but you've also got to know each step of the way there's hoops you've got to jump through whether you want to or not. Heck, you can get rid of the three tier system, get rid of the alcohol licensure, and the whole nine yards. Basically, we're getting to that point because I've been there and since we got rid of, sold, the liquor business, the State liquor stores, we had 21 liquor inspectors and now we only have a couple. We don't have the auditors to actually go to see if businesses are fairly treating us right on the liquor that's sold to take out or the liquor that's sold within the brewery. There's a lot of different things and the thing that galls me the most, ladies and gentlemen, is in the last six years not one person from the substance abuse community has come to the committee to testify, to let us know what the impacts were, because on every single bill prior to that they used to come and explain to us what their rationale was and how much negative effect this was going to have on society, as a whole. From that standpoint, ladies and gentlemen, I still think it's too early to expand this carve out on the three tier system to microbreweries. We've actually done an awful lot to them. We've actually helped them out along the way and I'm not willing to go any further. Thank you.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I would totally be in agreement with my colleague from Oxford if I hadn't read the amendment that says, "This amendment clarifies existing law that permits a person that is licensed to manufacture at a facility to sell that product." Mr. President, I believe that the question here really is not whether it's legal or not to do this. I think if this were coming up for the first time I would be solely in the camp with my good colleague from Oxford, but the way I read this, and I think what we're voting on, is to clarify this law so that people understand what's legal and able to do, not to put it into place to begin with. I'll be casting my vote in opposition to this on the belief that if it makes it smoother and

cleaner and everybody understands the law then that would be better for everyone.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#513)

YEAS: Senators: BURNS, CUSHING, CYRWAY, DAVIS, DIAMOND, EDGEComb, GERZOFsky, HAMPER, MASON, MCCORMICK, PATRICK, ROSEN, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BAKER, BRAKEY, BREEN, COLLINS, DILL, GRATWICK, HASKELL, HILL, JOHNSON, LANGLEY, LIBBY, MILLETT, MIRAMANT, SAVIELLO, VALENTINO

EXCUSED: Senator: KATZ

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CYRWAY** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (2/23/16) matter:

Bill "An Act To Allow York County To Better Provide Rescue and Ambulance Services"

H.P. 124 L.D. 166
(C "B" H-513)

Tabled - February 23, 2016, by Senator **MASON** of Androscoggin

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-513)**, in concurrence

(In House, February 16, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-513)**.)

(In Senate, February 23, 2016, **READ A SECOND TIME**.)

On motion by Senator **MASON** of Androscoggin, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Public Law

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund"

H.P. 1106 L.D. 1629

Reported that the same be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Public Law, chapter 267, Pt. GGGG, section 7.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

Bill and accompanying papers **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

Pursuant to Resolve

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Requiring the University of Maine System To Provide Supportive Services to Student-veterans"

H.P. 1104 L.D. 1625

Reported that the same be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, pursuant to Resolve, chapter 48, section 7.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

Bill and accompanying papers **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

Pursuant to Statute

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Eliminate Inactive Boards and Commissions"
H.P. 1103 L.D. 1624

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, pursuant to the Maine Revised Statutes, Title 5, section 12006, subsection 2.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

Bill and accompanying papers **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **MARINE RESOURCES** on Bill "An Act To Provide Flexibility in the Designation of the Closed Period for Elver Harvesting" (EMERGENCY)

H.P. 1025 L.D. 1502

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-530)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530)**.

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

READ ONCE.

Committee Amendment "A" (H-530) **READ** and **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Designate the Maine Lobster as the State Crustacean"

H.P. 1097 L.D. 1609

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

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

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Thursday, March 3, 2016, at 10:00 in the morning.