

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
Wednesday
March 23, 2016

Senate called to order by President Pro Tempore Linda M. Valentino of York County.

Prayer by Pastor Mark Adolphsen, Littlefield Memorial Baptist Church in Rockland.

PASTOR ADOLPHSEN: We have an invitation from the Lord Jesus to come onto me, He said, all who labor and are heavy laden and I will give you rest. Let us pray and ask the Lord's blessing on this day.

Father, thank You, Lord, that You have given us Your word. We just thank You that the Lord Jesus has given us his invitation to come and all that are laboring and burdened and weighed down by the day's trials. I pray, Father, for them today and I pray that You be with each of us Senators and Legislators throughout this day. Guide and direct. I pray, Father, that You will give them wisdom and, Lord, humility and the needed wisdom for this day. We thank You in Jesus' name. Amen.

Pledge of Allegiance led by Senator Rodney L. Whittemore of Somerset County.

Reading of the Journal of Tuesday, March 22, 2016.

Doctor of the day, Cathleen London of Milbridge.

Off Record Remarks

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Regarding Recovery of Emergency Response Costs Related to an OUI Offense"

S.P. 335 L.D. 944
(C "A" S-390)

In Senate, March 17, 2016, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-390)**.

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

On motion by Senator **ROSEN** of Hancock, the Senate **ADHERED**.

Sent down for concurrence.

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

Joint Resolution

The following Joint Resolution:

H.P. 1134

**JOINT RESOLUTION
HONORING THE MAINE NATIONAL GUARD
FOR ITS SERVICE
TO THE NATION AND STATE**

WHEREAS, patriots from the District of Maine first mustered to form a militia to fight for the colonies in the Revolutionary War and for the nation during the War of 1812; and

WHEREAS, the Maine National Guard has proudly served the citizens of the State during natural disasters such as forest fires, floods and storms and has bravely defended the United States of America during times of war since Maine first entered the Union in 1820, and over the years the highest percentages of volunteers have been Maine people; and

WHEREAS, nearly 12,000 members of the Maine Army National Guard and the Maine Air National Guard have faithfully answered the call to duty in America's Global War on Terror; at times the State has had a larger percentage of personnel mobilized in support of that mission than any other state in the Union; and

WHEREAS, members of the Maine Army National Guard and the Maine Air National Guard continue to defend freedom and democracy around the globe, including in Iraq and Afghanistan, where they are playing a vital role in protecting the safety and security of all Americans; and

WHEREAS, the people of Maine have the utmost respect for the members of the Maine Army National Guard and the Maine Air National Guard for putting their lives in danger for the sake of the freedoms enjoyed by all Americans; and

WHEREAS, the people of Maine are appreciative of the countless personal and professional sacrifices that the active volunteers of the Maine Army National Guard and the Maine Air National Guard and their families have made in order to protect our freedoms; and

WHEREAS, since the tragic events of 9/11, countless Maine citizens have made sacrifices to serve and defend our country through the National Guard and to fight for our freedom, and 61 brave Maine citizens have answered the final call; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to express our solidarity with the men and women on active duty in the Maine Army National Guard and the Maine Air National Guard and their families; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Adjutant General of the Maine National Guard.

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

READ and ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 884

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

March 21, 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 Education and Cultural Affairs has had under consideration the nomination of Carolyn H. Brodsky of Scarborough, for appointment to the Maine Maritime Academy, Board of Trustees.

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	Langley of Hancock, Edgecomb of Aroostook
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Representatives 9 Kornfield of Bangor, Daughtry of Brunswick, Hubbell of Bar Harbor, Maker of Calais, McClellan of Raymond, Pierce of Falmouth, Pouliot of Augusta, Stearns of Guilford, Tipping-Spitz of Orono

NAYS	0
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ABSENT	2	Sen. Millett of Cumberland, Rep. Farnsworth of Portland
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Eleven 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 Carolyn H. Brodsky of Scarborough, for appointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following:
"Shall the recommendation of the Committee on **EDUCATION
AND CULTURAL AFFAIRS** 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 (#530)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BRAKEY, BREEN,
COLLINS, CUSHING, CYRWAY, DAVIS,
DIAMOND, DILL, EDGECOMB,
GERZOFISKY, GRATWICK, HAMPER,
HASKELL, HILL, JOHNSON, KATZ,
LANGLEY, LIBBY, MASON,
MCCORMICK, MIRAMANT, PATRICK,
ROSEN, SAVIELLO, THIBODEAU, VOLK,
WHITTEMORE, WILLETTE,
WOODSOME, THE PRESIDENT PRO
TEMPORE - LINDA M. VALENTINO

EXCUSED: Senators: BURNS, MILLETT

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators 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 **Carolyn H. Brodsky** of Scarborough for appointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

Off Record Remarks

The Following Communication: S.C. 885

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

March 21, 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 Education and Cultural Affairs has had under consideration the nomination of Matthew E. Fendl of Ellsworth, for appointment to the Maine Maritime Academy, Board of Trustees.

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	Langley of Hancock, Edgecomb of Aroostook
	Representatives	9	Kornfield of Bangor, Daughtry of Brunswick, Hubbell of Bar Harbor, Maker of Calais, McClellan of Raymond, Pierce of Falmouth, Pouliot of Augusta, Stearns of Guilford, Tipping-Spitz of Orono
NAYS		0	
ABSENT		2	Sen. Millett of Cumberland, Rep. Farnsworth of Portland

Eleven 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 Matthew E. Fendl of Ellsworth, for appointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 (#531)

YEAS: Senators: None

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

EXCUSED: Senators: BURNS, MILLETT

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators 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 **Matthew E. Fendl** of Ellsworth for appointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 883

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

March 21, 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 Education and Cultural Affairs has had under consideration the nomination of Gregory S. Fryer, Esq. of Cumberland, for appointment to the Maine Maritime Academy, Board of Trustees.

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	Langley of Hancock, Edgecomb of Aroostook
	Representatives	8	Kornfield of Bangor, Hubbell of Bar Harbor, Maker of Calais, McClellan of Raymond, Pierce of Falmouth, Pouliot of Augusta, Stearns of Guilford, Tipping- Spitz of Orono
NAYS		0	
ABSENT		3	Sen. Millett of Cumberland, Rep. Daughtry of Brunswick, Rep. Farnsworth of Portland

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 Gregory S. Fryer, Esq. of Cumberland, for appointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following:
"Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 (#532)

YEAS: Senators: None

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

EXCUSED: Senators: BURNS, MILLETT

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators 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 **Gregory S. Fryer, Esq.** of Cumberland for appointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

Off Record Remarks

The Following Communication: S.C. 879

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

March 21, 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 Education and Cultural Affairs has had under consideration the nomination of Wilson G. Hess of Freedom, for appointment to the State Board of Education.

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

LEGISLATIVE RECORD - SENATE, WEDNESDAY, MARCH 23, 2016

YEAS	Senators	2	Langley of Hancock, Edgecomb of Aroostook
	Representatives	9	Kornfield of Bangor, Daughtry of Brunswick, Hubbell of Bar Harbor, Maker of Calais, McClellan of Raymond, Pierce of Falmouth, Pouliot of Augusta, Stearns of Guilford, Tipping-Spitz of Orono

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators 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 **Wilson G. Hess** of Freedom for appointment to the State Board of Education was **CONFIRMED**.

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

NAYS	0
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ABSENT	2	Sen. Millett of Cumberland, Rep. Farnsworth of Portland
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The Following Communication: S.C. 880

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

March 21, 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 Education and Cultural Affairs has had under consideration the nomination of John A. Bird of Rockland, for appointment to the State Board of Education.

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

Eleven 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 Wilson G. Hess of Freedom, for appointment to the State Board of Education be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following:
"Shall the recommendation of the Committee on **EDUCATION
AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 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 (#533)

YEAS: Senators: None

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

EXCUSED: Senators: BURNS, MILLETT

YEAS	Senators	2	Langley of Hancock, Edgecomb of Aroostook
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Representatives 9 Kornfield of Bangor, Daughtry of Brunswick, Hubbell of Bar Harbor, Maker of Calais, McClellan of Raymond, Pierce of Falmouth, Pouliot of Augusta, Stearns of Guilford, Tipping-Spitz of Orono

NAYS	0
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ABSENT	2	Sen. Millett of Cumberland, Rep. Farnsworth of Portland
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Eleven 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 John A. Bird of Rockland, for appointment to the State Board of Education be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Victoria P. Kornfield
House Chair

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

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following:
"Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 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 (#534)

YEAS: Senators: None

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

EXCUSED: Senators: BURNS, MILLETT

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators 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 **John A. Bird** of Rockland for appointment to the State Board of Education was **CONFIRMED**.

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

The Following Communication: S.C. 881

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

March 21, 2016

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Martha J. Harris, Esq. of Winterport, for reappointment to the State Board of Education.

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

YEAS	Senators	2	Langley of Hancock, Edgecomb of Aroostook
	Representatives	9	Kornfield of Bangor, Daughtry of Brunswick, Hubbell of Bar Harbor, Maker of Calais, McClellan of Raymond, Pierce of Falmouth, Pouliot of Augusta, Stearns of Guilford, Tipping-Spitz of Orono
NAYS		0	
ABSENT		2	Sen. Millett of Cumberland, Rep. Farnsworth of Portland

Eleven 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 Martha J. Harris, Esq. of Winterport, for reappointment to the State Board of Education be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following:
"Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 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 (#535)

YEAS: Senators: None

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

Representatives 9 Kornfield of Bangor, Daughtry of Brunswick, Hubbell of Bar Harbor, Maker of Calais, McClellan of Raymond, Pierce of Falmouth, Pouliot of Augusta, Stearns of Guilford, Tipping-Spitz of Orono

NAYS 0

ABSENT 2 Sen. Millett of Cumberland, Rep. Farnsworth of Portland

EXCUSED: Senators: BURNS, MILLETT

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators 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 **Martha J. Harris, Esq.** of Winterport for reappointment to the State Board of Education was **CONFIRMED**.

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

The Following Communication: S.C. 882

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

March 21, 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 Education and Cultural Affairs has had under consideration the nomination of Elise M. McKendry of Jackman, for appointment to the State Board of Education.

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

YEAS Senators 2 Langley of Hancock, Edgecomb of Aroostook

Eleven 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 Elise M. McKendry of Jackman, for appointment to the State Board of Education be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 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 (#536)

YEAS: Senators: None

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

EXCUSED: Senators: BURNS, MILLETT

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators 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 **Elise M. McKendry** of Jackman for appointment to the State Board of Education was **CONFIRMED**.

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

The Following Communication: S.C. 887

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

March 21, 2016

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau,

This is to inform you that I am today nominating Kathleen D. Chase of Wells for appointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA §341-C, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 889

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

March 22, 2016

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

Dear Secretary Priest:

Pursuant to my authority under Senate Rule 201.3, I am pleased to appoint the Senator from York, Senator Valentino to serve as President Pro Tempore. With this appointment Senator Valentino will serve as President Pro Tempore for the start of the regularly scheduled session on March 23, 2016.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 890

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

March 22, 2016

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating William A. Lee III, Esq. of Waterville for reappointment to the Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1, MRSA §1002, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 886

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

21 March, 2016

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 213, "An Act to Ensure the Comprehensive Medical, Dental, Educational and Behavioral Assessment of Children Entering State Custody."

There are two elements to this bill as amended. The first requires the Department of Health and Human Services (DHHS) to schedule a medical examination of a child entering its custody within three days, instead of the current statutory requirement of 10 days. The people who work for DHHS care deeply about the health of the children they help. Many of them are parents themselves. DHHS staff are already obtaining medical assessments for children entering their care as soon as possible. Passing a new law will not improve the ability of child services staff to schedule those appointments; rather, it will only insult Department staff by implying that they are not already acting as expeditiously as possible.

Second, this bill mandates that DHHS undergo rulemaking to facilitate the reimbursement of these medical assessments by MaineCare. DHHS is already doing this, as the Department made clear to the Committee during its deliberations.

This bill represents an unfunded mandate and more arbitrary micromanagement of the Executive Branch, which will have little practical effect. For these reasons, I return LD 213 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 Ensure the Comprehensive Medical, Dental, Educational and Behavioral Assessment of Children Entering State Custody

S.P. 82 L.D. 213

The President Pro Tempore laid before the Senate the following: "Shall this 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**.

The Following Communication: H.C. 490

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

March 21, 2016

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

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 1485, "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."

This bill would allow the Director of the Bureau of Parks and Lands to transfer State- owned, trail-grooming equipment to local incorporated non-profit snowmobile clubs. I appreciate the hard work and dedication by the many volunteers of Maine's snowmobile clubs. Their work on our state's 14,000 miles of trails provides a great recreational activity for Mainers and visitors in the winter.

I understand the intent of this bill, but I cannot support it. I do not believe this trail grooming equipment should be given away at no charge. I am in support of the State selling this equipment to the snowmobile clubs for a fair price.

For this reason, I return LD 1485 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Allow 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

Comes from the House, 143 members having voted in the affirmative and none 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.

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 (#537)

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

NAYS: Senators: None

EXCUSED: Senators: BURNS, MILLETT

32 Senators having voted in the affirmative and no Senator having voted in the negative, with 2 Senators being excused, 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.

SENATE PAPERS

Bill "An Act To Improve Priority of Tax Liens and the Collection of Sales Taxes"

S.P. 684 L.D. 1672

Presented by Senator McCORMICK of Kennebec.
(GOVERNOR'S BILL)

Cosponsored by Representative: GOODE of Bangor.

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

Sent down for concurrence.

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

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

Maine Maritime Academy, in Castine, which is celebrating its 75th Anniversary. Maine Maritime Academy, one of only six state maritime academies in the United States, was established on March 21, 1941 as the Maine Nautical Training School pursuant to an Act of the 90th Legislature and opened on October 9, 1941 with 23 students. By 1960 the academy's curriculum had expanded to a four-year baccalaureate program, which was accredited by the New England Association of Schools and Colleges in 1971. Maine Maritime Academy provides a high-quality education focused on marine programs and related programs in engineering, science, management and transportation. It empowers students to take on leadership roles, encourages rigorous self-discipline, promotes curiosity and provides graduates with the skills, ethics and knowledge needed to succeed in the global economy. We extend to everyone at Maine Maritime Academy and the academy's 7,000 alumni around the world our congratulations on this anniversary;

SLS 1022

Sponsored by Senator ROSEN of Hancock.

Cosponsored by Representative: CHAPMAN of Brooksville.

READ.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President. Members of the Senate, today I take great pride in recognizing one of our outstanding institutions of higher education, Maine Maritime Academy. By an act of the 90th Maine State Legislature in 1941, Maine Maritime Academy began as the Maine nautical training school on March 21, 1941 to train skilled mariners for the war effort. Today Maine Maritime Academy is a co-educational public college serving approximately 950 undergraduates and graduate students in career oriented programs of study. Hands-on training is a hallmark of an MMA education and the college job placement rate is over 90% within 90 days of graduation. The Academy offers 18 academic majors in four maritime related fields; engineering, international business and logistics, marine sciences, and marine transportation. The Academy also prepares students for six separate U.S. Coastguard licenses and for careers in the U.S. Merchant Marine and the U.S. Armed Forces. Maine Maritime Academy is one of six state maritime colleges in the United States. In 2014 and 2015 Maine Maritime Academy was ranked the number one best public college on Money Magazine's best college list. I commend President Brennan, Captain Peacock, and the entire Maine Maritime Academy community for their accomplishments over the past 75 years. I am proud to represent this fine institution. Thank you, Madame President.

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

Senator **LANGLEY:** Thank you, Madame President. Men and women of the Senate, I rise not only as the Chair of the Education Committee, Senate Chair, but I would like to tell you a story about a young man whose name is Jake. Jake lived up the street from me. Spent quite a bit of time in my kitchen growing up. Eventually worked for me at my restaurant all the way through college, of which was the Maine Maritime Academy. Jake was an Eagle Scout in Troop 86, my troop. Went off to the Maine Maritime Academy. Graduated. Took a job with Mitsubishi, a Japanese firm, and traveled around the world repairing steam turbines. In one such trip he was in Mexico when working on a turbine when a part, a large part, broke off and went down a long shaft inside this turbine. The policy of company was for him to call the supervisor. This is a Japanese company. He would have called his supervisor and they would have flown in an expensive piece of equipment specifically designed to travel down the shaft and grab the spare parts, broken parts. Jake, being a kid from Maine and a Maine Maritime graduate, went to Wal-Mart, they do have them in Mexico, bought a remote control car and some duct tape and taped a magnet on the front of it and a camera on the top, drove the car down the shaft, latched onto that part, and hauled it out. That's the type of education that Maine Maritime delivers because if you're out to sea and something breaks you've got to fix it right then and there. He saved his company thousands of dollars. The turbine was down for much less time than it would have been. The only drawback for the young man was he had to explain on his expense report why he had a \$30 for a remote controlled car. They saw the value in that at the end of it. I can't say enough about Maine Maritime Academy and value

for the dollar they provide Maine students and I'm so pleased to see them here today. Thank you very much.

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

Senator **WHITEMORE:** Thank you, Madame President. Ladies and gentlemen of the Senate, it is a pleasure to rise before this morning to recognize Maine Maritime Academy's 75th anniversary. Since 1941 this school has been providing high quality education as it focuses on marine related programs of study. With a job placement rate of over 90%, Maine Maritime Academy graduates are given the tools they need to secure good jobs in Maine, around the country, and, in some cases, across the globe. I have seen the positive results of this school personally as two of my grandsons are enrolled there, one is a sophomore and his younger brother is going to be a freshman this fall. We are very fortunate to have such a great academy in our state. Thank you, Madame President.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the back of the Chamber and in the Gallery Dr. William J. Brennan, President of the Maine Maritime Academy, and Captain Robert J. Peacock III, Chairman of the Board of Trustees for the Maine Maritime Academy. We all have several Maine Maritime Academy students and guests from around the state who are here from the Academy. They are the guests of the entire Senate. Would they please rise and accept the congratulation of the entire Maine Senate.

Senate at Ease.

Senate called to order by President Pro Tempore
LINDA M. VALENTINO of York County.

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

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

The Sergeant-At-Arms escorted the Senator from York, Senator **VALENTINO**, to her seat on the floor.

Senate called to order by the President.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Order

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes"
H.P. 1130 L.D. 1659

Reported that the same **Ought to Pass**, pursuant to Joint Order, H.P. 1113.

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

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

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

Ought to Pass Pursuant to Statute

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Require the Bureau of Alcoholic Beverages and Lottery Operations To Provide Annual Reports on Spirits Sales Revenues and Expenditures To Promote Lottery Sales"
H.P. 1138 L.D. 1669

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

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

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

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

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Designate the Maine Lobster as the State Crustacean"
H.P. 1097 L.D. 1609

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.

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

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Education Standards in Maine"

H.P. 1015 L.D. 1492

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-579)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-579)**.

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

READ ONCE.

Committee Amendment "A" (H-579) **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 Enact the Recommendations of the Commission on Independent Living and Disability"

H.P. 652 L.D. 949

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-578)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-578)**.

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

READ ONCE.

Committee Amendment "A" (H-578) **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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Establish a Contingency Wildlife Management Plan"

H.P. 1083 L.D. 1593

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-573)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-573)**.

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

READ ONCE.

Committee Amendment "A" (H-573) **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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act Authorizing the Deorganization of Oxbow Plantation"

H.P. 1112 L.D. 1635

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-572)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572)**.

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

READ ONCE.

Committee Amendment "A" (H-572) **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 **AGRICULTURE, CONSERVATION AND FORESTRY** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food

H.P. 532 L.D. 783

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-526)**.

Signed:

Senators:

DILL of Penobscot
SAVIELLO of Franklin

Representatives:

HICKMAN of Winthrop
CHAPMAN of Brooksville
DUNPHY of Old Town
MAREAN of Hollis
McCABE of Skowhegan
SAUCIER of Presque Isle

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

Signed:

Senator:
EDGECOMB of Aroostook

Representatives:
BLACK of Wilton
EDGECOMB of Fort Fairfield
KINNEY of Knox
McELWEE of Caribou

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-526)**.

Reports **READ**.

Senator **EDGECOMB** of Aroostook 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.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#538)

YEAS: Senators: BAKER, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, GRATWICK, HAMPER, LIBBY, MASON, MCCORMICK, PATRICK, ROSEN, VALENTINO, VOLK, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BRAKEY, BREEN, DIAMOND, DILL, GERZOFKY, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, MIRAMANT, SAVIELLO

EXCUSED: Senators: BURNS, MILLETT, WHITEMORE

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **EDGECOMB** of Aroostook to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow Terminally Ill Patients To Choose To Use Experimental Treatments"
H.P. 138 L.D. 180

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-577)**.

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
GATTINE of Westbrook
HAMANN of South Portland
HEAD of Bethel
MALABY of Hancock
PETERSON of Rumford
SANDERSON of Chelsea
VACHON of Scarborough

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

Signed:

Senators:
HASKELL of Cumberland
McCORMICK of Kennebec

Representatives:
BURSTEIN of Lincolnville
HYMANSON of York
STUCKEY of Portland

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-577)**.

Reports **READ**.

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

Same Senator moved to **TABLE** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senate at Ease.

Senate called to order by the President.

Senator **BRAKEY** of Androscoggin requested and received leave of the Senate to withdraw his motion to **TABLE** until Later in Today's Session.

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

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I would urge you to oppose the Ought to Pass motion which is currently in front of us for a variety of reasons. While it may seem as though we want to provide people with the opportunity to have all of the medical care that they need at the end of their life, this bill has inherent in it some real risks and, frankly, places families in very difficult positions. I'd like to tell you just a few things about the bill. First of all, to the extent that treatment involves a drug or a device that has not yet received FDA approval, hospitals are prohibited from administering that drug. Hospitals can only participate if the patient is a part of a FDA approved clinical trial or if the FDA has granted compassionate use of the drug. Compassionate use is the standard that physicians use when they are deciding whether or not a patient can move forward with a treatment that may not yet be approved but is in trial. What's the difference with this particular bill, the Right to Try bill? The difference with this particular bill is these drugs or devices that we now know they can't be provided in a hospital and they have to be provided outside of the hospital setting. That means for many Maine people who might make themselves take advantage of this that they would have to go out of state if this was a device. If it's a little yellow pill that's one thing, but that's not always the case with these Right to Try procedures. Sometimes these require significant oversight and devices, not just little yellow pills in a bottle.

I'm going to read you what a practicing oncology physician in the state of Maine for 27 years had to say. These are some of the most compassionate people, oncologist docs. As me, I know. My family's been in contact with two of these oncology docs over the course of my life. He says here, "The FDA has been very understanding in the need to expedite availability of new therapies in cancer treatment and there are mechanisms for fast-tracking new agents for general use. Our practice has a strong commitment to clinical research. We've had many agents on clinical trials prior to their FDA approval. However, even for those practices where these trials are not available, the expanded access process can provide access to drugs which show promise which have not yet been approved by FDA. We've used this process to access drugs for patients who might benefit from them." I'm trying to give you the sense that there are options here. I see the Right to Try legislation, as proposed, to be contrary to sound medical practice and patient safety. Phase

One studies, which is the type of studies that they are talking about allowing patients to access, are performed on a small cohort of patients and, although they do suggest appropriate dosing, they often may not discover toxicities of these drugs and they do not often demonstrate their effectiveness. Also Phase One and Phase Two trials are conducted under close medical supervision, which does not occur under Right to Try laws. He goes on to say that he believes that expanded access programs provided by FDA assure patient's safety and early access to drugs that are not yet routinely available. The other thing that you should know about this, if you have the amendment in front of you, is that it does provide significant immunity for anybody, any healthcare practitioner, which covers a very broad range of people. It creates immunity for them, saying that their licensing board cannot revoke, refuse to renew, or suspend the license or take any action in regard to any of these. That seems, to me, to be a very broad immunity for healthcare providers. It goes on to talk about state officials also can't block, or attempt, this kind of access.

I think it's important to recognize what could possible occur because, given these circumstances under Right to Try, you're not going to have any medical coverage for this. These Right to Try procedures have to be done at your own expense. That's fine if it's a little bottle of yellow pills and it costs \$20, but usually in these very serious cases this kind of procedure could be hundreds of thousands of dollars and you're leaving a family with a decision about whether to spend everything they own, and families have a right to spend their money the way they want to. Think of the agony of families and their family disruption that occurs when you're looking at that very end of life and what might happen during those times when you have no health coverage for it. It's going to be a really tough decision for families to make, especially given what I've just told you about how, in my opinion, early on in the process these drugs and devices are. I think we're headed down the wrong path. I think there is adequate protection in here for patients who want to try those other drugs and expanded access and I would ask you to defeat the pending motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I would like to invite the members of this Chamber to imagine for a moment that you have a rare and terminal form of cancer. Your doctor has given you less than six months to live. Imagine there are limited FDA approved treatments and you have exhausted every one. Imagine there is an investigational treatment currently in the clinical trial phase of the FDA approval process and, according to your doctor, it shows promising results. Imagine your doctor recommends this treatment and helps you apply to the clinical trial. Imagine you are rejected because you do not meet the very selective criteria they are looking for in trial participants. Imagine, while you have months to live, the FDA will not approve this treatment for years. Imagine this treatment is already available in Europe. Imagine that the very wealthy with your same cancer fly overseas for this treatment while you cannot afford it. Imagine your doctor is ready to help you and the manufacturer is willing to make this treatment available. Imagine you make the decision, you yourself, to try this treatment, which may work or may not, but you decide to try to save your own life. Imagine then that the

government says no. Imagine that you are now out of options and there is nothing left to do but wait.

I invite you to imagine yourself in this situation. Know that I'm not inviting you to imagine a hypothetical. This was the true story of Kianna Karnes, a 41 year old mother of four, who was diagnosed with kidney cancer in 2002. After two years of using the only FDA approved treatment, which failed for her, she learned that Pfizer and Bayer were both conducting clinical trials for new investigational medications. She applied for those clinical trials and she was denied. After struggling for months with the FDA, trying to get permission to use these investigational medicines, she died on March 24, 2005 from advanced kidney cancer. Less than a year later both drugs were given final FDA approval to treat advanced kidney cancer. Too late for Kianna Karnes.

This legislation, L.D. 180, commonly known as Right to Try, is very simple. When someone with a terminal condition has exhausted every FDA approved option should they have the right to make their own choice to try to save their life or should government make that choice for them? This legislation would recognize that terminally ill patients have a right to try an investigational drug, biological product, or medical device which as passed the early stages of the FDA approval process. This bill would require a patient to sign an informed consent. It would require that they had already applied for the clinical trial and not been accepted. It would require that the treatment has been recommended by the patient's doctor. It is also very important to know that there is no mandate in this legislation. Every piece of it is voluntary. Manufacturers are not required to provide the treatment. Insurance companies are not required to pay for it. All this legislation does is say that if people are willing to come together and make it happen government will not stand in the way. Now some have argued against this legislation because the FDA has a multi-step governmental program where terminally ill patients can ask for permission to try to save his or her own life. I believe the problem here is readily apparent. When you have a terminal illness you don't have time to wait for a multi-step governmental process. For a physician to apply their patient for the FDA's expanded access program the paperwork itself takes 100 hours to complete. At least that's the FDA's own estimate of how long it takes. That's two straight weeks for a physician, not seeing patients, just doing paperwork. That isn't even the end of it. Expanded access applications are also subject to approval by an institutional review board, which can add another month to the process. Kianna Karnes, that 41 years old mother of four who was diagnosed with kidney cancer, applied for the FDA's expanded access program and she waited for months, even contacting her local Congressman for help. On March 24, 2005 the FDA finally notified Kianna's family that they had approved her application. Tragically, it was too late. Kianna Karnes died that same day. That's why 24 states have already passed Right to Try laws to guarantee terminally ill patients the right to make their own choices to save their own lives.

I just want to go off script for a second to address some concerns that were raised by the Senator from Cumberland. This one misconception, it was mentioned that people can get access to these during Phase One. Unless I misheard that, that's inaccurate. These drugs, which are going through the FDA approval process and can be another ten years out, have to have completed at least Phase One. They have to be into Phase Two or Phase Three, where clinical trials are already happening. The other question that was raised was expense and what would be

the expense to patients who would like to participate in this. I'll just say that we have 24 other states that have passed this and in 99% of cases when a patient is afforded access to one of these investigational treatments it is provided at zero cost to the patient. In both federal law and in the text of this bill, manufacturers, if they choose to make this treatment available, are limited to charging for just the cost of manufacturing what is being provided. They are prohibited from making a profit on that. The reason that in 99% of cases manufacturers make these available at no cost is because they eventually want to take this to market and they don't like to necessarily admit how much cost to make each individual item, so 99% of the time it's available at no cost to the patient.

Mr. President, I will be voting in the affirmative on this motion. I think this is a very important piece of legislation for those who are suffering with terminal illnesses who want to make their own choice on whether or not to seek to preserve their own lives and I invite the Chamber to join with me. Thank you very much.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to this. I have great respect for my colleague, Senator Brakey from Androscoggin. Nonetheless, I think that it's very important when dealing with illness to "First do no harm." I think that's the major thing we worry about in the medical profession. There are many things that have great emotional appeal, that sound very good on the surface, but, alas, life is very complicated. Pharmaceuticals are certainly very, very complicated. I think, several points, if you have a very serious terminal illness you're going to go see your local doctor. You're going to be probably referred to an oncologist or cardiologist in Bangor or Lewiston or Portland. Quite likely you're going to be referred off to Boston, to one of the major research centers. If you're not, and you're hesitant about that, I recommend everybody do it anyways. You always have that option in the United States to have second opinions. There you are going to meet people who will be able to work with your local physicians to try and get you whatever is available. Will it be perfect all the time? The answer is no. The big thing about that is that it's going to become part of a larger database. We're all human beings, we all have finite lives, and I think it's very important that our life benefits the people who are going to come after and that's what data is all about. I'm a major believer that medical data is what has allowed us to have progress. The FDA is certainly imperfect, but it's better than any other organization like it elsewhere in the world and I think it's because it puts reliance on carefully controlled, double blinded, clinical trials so that the next generation has data. I'm full well aware of the dilemma and have dealt with people like Kianna. It doesn't require much imagination for me to know about Kianna. It's tragic. Very difficult. On the other hand, I have to say that I also know a great deal about toxicity of new medications. There are a number of medications that I've used. I've sent people off to Boston for these treatments. They've actually been withdrawn from the market because of more problems with heart, with kidney, and other increased mortality from these medicines. It's not an easy trail and I can probably list six or eight medicines just off the bat without having to think about it very much, where they've been withdrawn from the market because toxicity was excessive and it was going to hurt people as opposed to help

them. I think that's where these controlled clinical trials have their great benefit. I do not want people to die early. I want people to live as long as possible. I acknowledge it is a dilemma but I think we're in the world of unintended consequences. I think this is going to lead us in an incorrect direction in terms of the careful practice of healthcare and medicine. I would urge people to vote against this. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Majority Ought to Pass as Amended Report, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#539)

YEAS: Senators: BAKER, BRAKEY, COLLINS, CUSHING, DAVIS, DIAMOND, DILL, EDGEComb, HAMPER, HILL, KATZ, LANGLEY, MASON, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VOLK, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, CYRWAY, GERZOFsky, GRATWICK, HASKELL, JOHNSON, LIBBY, MCCORMICK, VALENTINO, WOODSOME

EXCUSED: Senators: BURNS, MILLETT, WHITEMORE

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-577) **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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Encourage Maine Employers To Offer and Employees To Enroll in Disability Income Protection Plans in the Workplace"

H.P. 1051 L.D. 1542

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-576)**.

Signed:

Senators:

WHITEMORE of Somerset
GRATWICK of Penobscot

Representatives:

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

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

Signed:

Senator:

BAKER of Sagadahoc

Representatives:

MELARAGNO of Auburn
WALLACE of Dexter

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-576)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-576) **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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act Relating to the Creation of Public-private Facilities and Infrastructure"

H.P. 884 L.D. 1298

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

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-575)**.

Signed:

Senators:

WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales
HARRINGTON of Sanford
ORDWAY of Standish

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

Reports **READ**.

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-575)** Report, in **NON-CONCURRENCE**.

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 (#540)

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

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

EXCUSED: Senators: BURNS, MILLETT, WHITTEMORE

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-575)** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-575) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require That Public Postsecondary Educational Institutions in the State Give Preference to Maine Producers When Entering into Contracts Related to Heating Fuel"

H.P. 1079 L.D. 1588

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-564)**.

Signed:

Senators:

LIBBY of Androscoggin
WILLETTE of Aroostook

Representatives:

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

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

Signed:

Senator:

WHITTEMORE of Somerset

Representatives:

MARTIN of Sinclair
GREENWOOD of Wales
HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

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

Reports **READ**.

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

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

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. The bill that we are considering requires the University of Maine System, the Maine Maritime Academy, and the Maine Community College System, when entering into a contract for heating fuel, to give preference to companies producing wood pellet fuel here in the state of Maine. With all of the devastating changes to Maine's pulp and paper industry in the last several years, I feel strongly that it's in our state's interest to give any and all preference to Maine companies producing Maine wood products and for those products to be purchased by our public institutions to keep our tax dollars in the state of Maine. I would ask you to vote with me in opposition to the pending motion so we can get onto the Majority Report from the committee. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#541)

YEAS: Senators: **BAKER, BRAKEY, CUSHING, DAVIS, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, VOLK, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU**

NAYS: Senators: **ALFOND, BREEN, COLLINS, CYRWAY, DIAMOND, DILL, EDGECOMB, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WILLETTE**

EXCUSED: Senators: **BURNS, MILLETT, WHITEMORE**

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-564) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Eliminate the Maine Estate Tax"

H.P. 1101 L.D. 1622

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-567)**.

Signed:

Senators:

McCORMICK of Kennebec
DAVIS of Piscataquis

Representatives:

BICKFORD of Auburn
CHACE of Durham
SEAVEY of Kennebunkport
SKOLFIELD of Weld
SUKEFORTH of Appleton

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

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

GOODE of Bangor
MOONEN of Portland
RUSSELL of Portland
STANLEY of Medway
TEPLER of Topsham

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

Reports **READ**.

Senator **MCCORMICK** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, the Majority Report would increase the estate exemption in Maine for Maine estates from the current \$2 million threshold to a \$5.5 million threshold. Mr. President, may I approach the rostrum?

Senate at Ease.

Senate called to order by the President.

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

Senator **LIBBY:** Thank you very much, Mr. President. I'd like to start over with my remarks. The motion before us would eliminate the current exemption cap for estate taxes in Maine from the current \$5.5 million to an unlimited cap. All told, this is about 60 estates with Maine tax liability that would be affected by this new tax break. Sixty estates would benefit from roughly \$14.4 million in lost revenue from the State, thereby a tax cut for these estates. Rough figures would suggest this is a quarter of a million dollar tax cut for these 60 families. In my four years in the Legislature I've never seen such an enormous tax cut being directed to such a small number of Maine families. Often when we're talking about the estate tax the conversation about double taxation comes up. A lot of folks in my district are concerned with the estate tax and when I ask them, "Is your estate worth more than \$5 million?" almost universally they are surprised to learn that that level of estate is exempt from the estate tax. We're talking about estates over \$5.5 million. We're talking about large portfolios of assets that are not taxed until the family claims the capital gains. It's at that time that the estate is taxed. If a person holds onto the estate until their death that tax is never assessed because the gain is never realized. Without the estate tax the heir to the estate would inherit the estate of \$5.5 million or more and pay not tax at all. With that, Mr. President, I'd ask the Senate to vote against the pending motion. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today in support of the pending motion and in support of L.D. 1622, An Act to Eliminate the Maine Estate Tax. I just want to share a very personal story from a close friend of mine. My friend, her father was a self-made man. He came from nothing and made his own way in life as a landlord with multiple properties in his area. As his family grew he built his own family home with his own two hands, with the hopes of leaving it to his children someday. Not living a lavish lifestyle, he also put away whatever money he could save for his three children. In my friend's teenage years her mother was no longer in the picture and her father became unexpectedly ill. Within weeks he passed away, leaving his two daughters and one son without parents. These three teenage siblings, now orphans, were left grieving for the sudden death of

their father, trying to figure out where to go and what to do. As if that wasn't enough pain and suffering, in swoops the government like a vulture to pick at everything their father had tried to leave for them. The death tax decimated her family. The home that their father had built with his own hands had to be sold off to pay the death tax. The properties he owned through his business, they also had to be sold off piece by piece so the government could get its cut. Already traumatized by the early death of their father, my friend and her two siblings had to watch as the government destroyed everything their father had tried to provide for them. Mr. President, I could easily make the argument as to why the death tax is poor economics and drives people from out state to Florida. I could easily point out that the death tax punishes those who save and plan for future generations while rewarding those who spend lavishly on themselves and leave nothing behind to be taxed at the end of life. Today I'm not going to make that case. I'm just going to ask this Body to think about what we subject grieving families to when the government swoops in as a vulture and picks at what is left over. Let's not subject any more families to that. Thank you very much, Mr. President.

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

Senator **VALENTINO:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise today just to remind people that in the 2015 budget that was passed last year one of the things that we all did when we passed the budget was to go to \$5.5 million. This was an issue that was very much in everybody's mind because at the time we were not in conformity with the federal government. We were at \$2 million and the federal government was at \$5.5 million. We thought it was very important to conform to what the federal government is doing, which we now conform to the federal government. We just spent many, many weeks on trying to work through a tax conformity package here in the Senate to make sure that we were conforming to the federal government. If we pass this, again, we will be in nonconformity with the federal government as far as what is exempted under the federal tax. Even if we pass this bill people would still be subject to taxation when they file their federal income taxes. This would not eliminate all the taxes they would have to pay. They would still have to pay the federal portion. I also want to mention, as the good Senator from Androscoggin mentioned, this has a potential \$15 million fiscal note. Many people will tell you that there is no fiscal note. That's because if we pass it it won't be implemented until next year. This is a future can that we are kicking down the road, \$15 million that will have to be included in each budget. Again, when the good Senator mentioned that only 60 people would benefit from this, one of the things is that half of those 60 people are from out-of-state. They own property in the state of Maine. They don't even live here. When he mentioned we are giving a \$250,000 tax break to 60 people I would counter that we're really giving a half a million tax break to 30 Maine people. Half a million on that to 30 people. One of the things, we had Dr. Allen on a radio show the other day. He was talking about this. I found it a little incredible that when they asked him how would we pay for this over the long-run and he said, "Well, when you run the numbers, we need about 400 people to move into the state of Maine that have good taxable incomes to offset what we're going to be giving, basically, to these 30 Mainers." I would ask the question, where are we

going to get 400 Mainers next year to move in that have really good incomes to offset some of this money because they're going to be paying taxes on it. It just seems a ridiculous amount of money, \$500,000 to give for 30 Maine people as a tax break. Certainly, if they have a \$5.5 million estate, have the financial capability to hire an accountant, to hire an attorney, to create a trust, and to do whatever they want to with it. As we said, the vast majority, almost 99.99%, of Mainers are very adequately covered by the \$5.5 million and this would not affect anybody, 30 people. We're talking about 30 people, \$15 million. I would urge all of you to vote against going into nonconformity with the federal government.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, I love the analytical arguments that are made, the numbers that are put down. Those are good. I like that there are many ways to offset death taxes. There are trusts. All these were mentioned by the good Senator who works on Appropriations and sees these. What I also like is a good anecdotal experiential argument that reflects somebody's experience and we know how it's affecting a real person, maybe one of our constituents, somebody who lives in our state who's going to suffer from this. The problem I see here is the good Senator's story, if it's about someone who fell under the \$5 million cap, and a \$5 million cap remember it doesn't hit \$5 million and then reach back to \$1, it starts at \$5 million and goes up. This family in the anecdotal story would be only having the amount over \$5 million subject to the death tax, the vulture sweeping in. It feels to me that they could live with the other carrion that is remaining under the \$5 million when all these other ways to protect the estate have been put into place. I feel like maybe that story is out of date because this Body just worked on changing the limits to bring it from a much lower limit, that maybe I could have accepted that argument, to a limit that now, at \$5.5 million, leaves plenty of room for people to have something from that estate and for the State to benefit and not have to now reach into our pockets and give away money we really don't have an excess of. I just want to make sure. I would love to give the member a chance so that if they feel like that story falls under our existing guidelines and want to make me aware of that I'd love to know that. Other than that, I feel like this is not a good idea at this time. Thanks a lot.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll just add one more piece to the good work that our Appropriations Committee did last year and that we all did in the budget. We made a lot of changes in our taxes, including looking at the estate tax, which is the name we're talking about. I think that's really unfortunate that we start using ridiculous names that are really advocated by outlandish organizations. This is what they do. They're paid to create these wonderful names to raise money off of. We're talking about the estate tax. That's what we're talking about. The other thing we're talking about is doing responsible budgeting where we pay for the taxes, whether they go up or down. In the budget we reduced taxes, as a Body, and we pay for them. We all should be patting

ourselves on the back. That is responsible government. We're not kicking something down road. We're not saying for our future generation to pay for it. We, together, the Taxation Committee, the Appropriations Committee, leadership, all of us, we came together and we put a budget together that we could afford, that we could pay for. What is in front of us, there's no way to pay for it. We're just using great names, maybe some stories, but let's pay for the things that we're going to do. Let's be responsible stewards for the next generation. We all talk about the debt. The reason the debt is where it is is because people said we don't pay for things. Well, if we're going to do something like this than let's pay for it. Let's have an honest discussion about how we're going to pay for the \$15 million this year, the next year, and in future years. If we want to have that conversation let's do it, but right now we're just having a conversation that is being driven by outside organizations trying to raise money from us. Thank you, Mr. President.

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

Senator **MASON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is the reason why we have different political philosophies. This is a very key thing that Republican believes is important to address. I think that the question is, Mr. President, that this money was never the governments to begin with. This is a person's money, their estate. When they died the government now feels that they can take part of that. This is money that they bought things, that after they paid income taxes, after they paid sales taxes. This is money that they spent on homes, on all kinds of different things. This money, the big question here is; should the government be able to sweep in after somebody dies and take money from them? I would submit that they don't and I think this is yet another big difference between our political philosophies. Thank you.

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

Senator **JOHNSON:** Thank you, Mr. President. I think this is a stark difference in philosophies we're talking about. Frankly, by the argument that it's not the governments, one could say that of any of the taxes; income tax, property tax, sales tax. We're elected to make the decisions on how to fund the things that the people need and the core difference in the philosophies is should we protect wealth or should we protect the wellbeing, the ability to thrive, of our citizens in this state. I haven't had one citizen ask me to give away \$15 million, not balanced in our budget in future years, when we haven't paid 55% of education yet. We haven't restored revenue sharing yet. They are worried about whether they can afford their property taxes. In my district we have a high percentage of people who have retired. They are living on limited incomes. People who are trying to make a living in a natural resource-based job that without help from us in state government to grow their business and do better because we don't seem to have enough support for nature resource-based industries, they are wondering how they can make ends meet. I think we should be putting those people first and not creating an imbalance in our budget while not funding the things that would make a difference in their lives. Thank you, Mr. President.

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 can't remember the specific number, but I think each and every one of us represents around 37,000 people. I can probably guess the amount of people that I have that have over \$5.5 million inheritance. Probably none. I live in rural Maine and, although we do have a ski area there and there might be some out-of-staters, I've never been to one place that I thought was worth more than a million or a million and a half dollars. Going on the campaign trail, I hear what my constituents are saying and my constituents are saying, basically; "If you do this where will the money come from?" The thing that my constituents have been complaining adamantly over the last four, five, six years is their property taxes going up. Where will we get the revenue to make up this \$15 million? That scares the heck out of me because time and time again everything flows downhill. I know we're not going to take the money for this, at least on a one-time basis, out of the Rainy Day Fund because that's out of the germaneness of what one would want to do. From my standpoint, knowing that I have 37,000 or more people to represent and none of them having over \$5 million in their inheritance, I would have to say I'm going to be in opposition to this motion. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you very much, Mr. President. Men and women of the Senate, I just wanted to clarify a few of the comments. I just found my notes and wanted to make sure. What I was talking about when Dr. Allen was on, it was on the Rick Tyler Show on March 2nd. When he said that it would take 400 people to move into the state to offset the \$15 million it wasn't just in income tax but it was in both income and sales tax. It would take at least three to five years for this to happen. It was also mentioned that in 2011, when the \$1 million exemption went to \$2 million, there was no specific data on did that entice any more people to move to the state of Maine. That was something that was not tracked. We have no idea by increasing the estate tax to \$2 million did it help. Where we only did the \$2 million to \$2.5 million in 2015 he said that there were no projections on it because it's too soon to tell. He also went on to say that 18 states in the United States have the estate tax and most of those states are all in the northeast. The only state in the northeast that doesn't have the tax is New Hampshire. All of our other New England states do have it. He also, which I found very shocking, said \$15 million is not a significant amount of money. I feel it is a very significant amount. He mentioned instead of 60 people, he said it was 50 to 60 estates because it varies per year. This is out of 13,000 that are filed annually. Basically, 12,970 people this never effects, but 30 people it would and we're going to give those 30 people out of 13,000 people a \$15 million tax break at \$500,000 each. In just response to the good Senator from Androscoggin, Senator Mason, when he said when you die it's not the State's property. I think that good Senator from Lincoln had a good point. None of this is the State's property. I do real estate and own a lot of land and I will tell you every time I sell a vacant piece of land and the government comes in and takes one-third of my money I think, "Why do I have to give them that money?" I understand but that's a fact of life. The taxes are

there. I'm not dead but I still have to give them the property, so it's no different when you're doing the estate tax. All we're talking is 30 people out of 13,000 people. I really urge you, let the 2015 budget come into play. If there's a need for this you can do it later, but we just passed a budget. People haven't even filed their 2015 taxes yet. You passed this unanimously, let's keep it at the \$5.5. Let's stay in conformity with the federal government. Thank you.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of the pending motion. I think it's unfortunate that we, in government, have come to assume that we have the right to the fruit of the labor and the investment of other people. That \$15 million we're talking about is a significant sum, Mr. President, the sum of money that comes from the cumulative efforts of many people who have taken the risk, gambled with their future and their family's future to stay in the state of Maine which, in addition to having the estate tax at the level we currently have, also has some of the highest energy costs in the country, has some of the highest healthcare costs, and many other factors that impact their ability to operate those businesses, which are drastically impacted, but due to the tragedy of somebody dying, an estate is assessed a death tax. Mr. President, I would contend that this is probably one of the most harsh taxes that we impose upon people at a difficult time in their family, the loss of a loved one. It puts great uncertainty in those small businesses, farming operations, and landowner operations that are trying to struggle with the changes that are going on with our mills and our forest products industry. I think we should all consider long and hard where that money is suited; with the government or with the individuals who own it. Thank you, Mr. President.

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

Senator **MCCORMICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would like to rise in say I'm pleased to have been able to offer my colleagues an opportunity to speak today. When I spent my first two terms in the Legislature it was the 121st and the 122nd. They were on the Taxation Committee. I can recall even from that time how many people were coming before us, financial advisors and professional people, explaining that they were counseling their people who were asking them to switch their residence to another state, to move their estates to another state prior to death. That's continuing to go on. That was quite a while ago. What we can't put numbers to are the significant number of people who have moved their assets somewhere else, who have changed their residence, who were not investing their money in possible jobs and businesses within our state and creating more taxes for the State. We can't pick those numbers up. If 30 people are dying a year, halleluia. Let's get 400 people that are still alive back here with their money and have them invest it and create jobs. This is a longer term idea than just this year, how many people are going to die and what it will cost us. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator McCormick to

Accept the Majority Ought to Pass as Amended 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 (#542)

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

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

EXCUSED: Senators: BURNS, MILLETT, WHITEMORE

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-567) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senate

Ought to Pass As Amended

Senator DAVIS for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend the Laws Relating to Endangered and Threatened Species"
S.P. 663 L.D. 1636

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-421)**.

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

READ ONCE.

Committee Amendment "A" (S-421) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Authorize Increased Borrowing by the Maine Governmental Facilities Authority To Support the Maine Correctional Center in South Windham"
S.P. 547 L.D. 1447

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-415)**.

Signed:

Senators:
ROSEN of Hancock
BURNS of Washington
GERZOFKY of Cumberland

Representatives:
FOWLE of Vassalboro
DAVITT of Hampden
GERRISH of Lebanon
LAJOIE of Lewiston
LONG of Sherman
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-416)**.

Signed:

Representative:
CHENETTE of Saco

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-415)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-415) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-415)**.

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Resolve Inconsistencies in the Drug Laws"

S.P. 609 L.D. 1554

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-417).**

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington

Representatives:

FOWLE of Vassalboro
GERRISH of Lebanon
LAJOIE of Lewiston
LONG of Sherman
NADEAU of Winslow
THERIAULT of China
TIMMONS of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-418).**

Signed:

Senator:

GERZOFSKY of Cumberland

Representatives:

CHENETTE of Saco
DAVITT of Hampden
WARREN of Hallowell

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 **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 **Ought Not to Pass.**

Signed:

Senator:

GERZOFSKY of Cumberland

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
DAVITT of Hampden
LAJOIE of Lewiston
LONG of Sherman
NADEAU of Winslow
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-420).**

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington

Representatives:

GERRISH of Lebanon
THERIAULT of China
TIMMONS of Cumberland

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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Provide Relief to Maine Ratepayers"

S.P. 484 L.D. 1339

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

Signed:

Senator:

HILL of York

Representatives:

DION of Portland
BABBIDGE of Kennebunk
BEAVERS of South Berwick
DeCHANT of Bath
GROHMAN of Biddeford
HIGGINS of Dover-Foxcroft
RYKERSON of Kittery

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-424).**

Signed:

Senators:

WOODSOME of York
MASON of Androscoggin

Representatives:

DUNPHY of Embden
O'CONNOR of Berwick
WADSWORTH of Hiram

Reports **READ**.

Senator **WOODSOME** of York moved the Senate **ACCEPT** the Minority **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 **WOODSOME** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Reduce Electric Rates for Maine Businesses" (EMERGENCY)

S.P. 519 L.D. 1398

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-422)**.

Signed:

Senators:

WOODSOME of York
HILL of York
MASON of Androscoggin

Representatives:

DION of Portland
BEAVERS of South Berwick
DeCHANT of Bath
DUNPHY of Embden
GROHMAN of Biddeford
HIGGINS of Dover-Foxcroft
O'CONNOR of Berwick
RYKERSON of Kittery
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 "B" (S-423)**.

Signed:

Representative:

BABBIDGE of Kennebunk

Reports **READ**.

On motion by Senator **WOODSOME** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-422)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-422) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-422)**.

Sent down forthwith for concurrence.

Divided Report

Seven members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Relating to Penalties for Drug Offenses"

S.P. 672 L.D. 1647

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
DAVITT of Hampden
LAJOIE of Lewiston
NADEAU of Winslow
WARREN of Hallowell

Five members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-425)**.

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington

Representatives:

GERRISH of Lebanon
THERIAULT of China
TIMMONS of Cumberland

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-426)**.

Signed:

Representative:

LONG of Sherman

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** Report "**B**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-425)**.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **ROSEN** of Hancock, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "**B**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-425)**.

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

ENACTORS

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

Emergency Measure

An Act To Protect Maine's Natural Resources Jobs by Exempting from Sales Tax Fuel Used in Commercial Farming, Fishing and Forestry

S.P. 579 L.D. 1481
(C "A" S-385)

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

Emergency Measure

An Act To Make Technical Changes to the Laws Governing Child Support

S.P. 614 L.D. 1562
(C "A" S-395)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Acts

An Act To Clarify the Use of Student Data from the Statewide Assessment Test

H.P. 1000 L.D. 1459
(C "A" H-553)

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.

An Act To Clarify Expenditures Regarding Androscoggin County
H.P. 1012 L.D. 1489
(C "A" H-551)

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

Resolve

Resolve, To Increase Access to Opiate Addiction Treatment in Maine

S.P. 571 L.D. 1473
(C "A" S-392)

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

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

SENATE PAPERS

Bill "An Act To Establish a Presidential Primary System in Maine"
S.P. 685 L.D. 1673

Presented by Senator **ALFOND** of Cumberland.
Cosponsored by Representative **PARRY** of Arundel and Senators: **BAKER** of Sagadahoc, **BREEN** of Cumberland, **BURNS** of Washington, **CUSHING** of Penobscot, **CYRWAY** of Kennebec, **DAVIS** of Piscataquis, **DIAMOND** of Cumberland, **DILL** of Penobscot, **GRATWICK** of Penobscot, **HASKELL** of Cumberland, **HILL** of York, **JOHNSON** of Lincoln, **LIBBY** of Androscoggin, **ROSEN** of Hancock, **SAVIELLO** of Franklin, President **THIBODEAU** of Waldo, **VOLK** of Cumberland, **WOODSOME** of York, Representatives: **BATTLE** of South Portland, **BEAVERS** of South Berwick, **BECK** of Waterville, **BEEBE-CENTER** of Rockland, **BLACK** of Wilton, **BURSTEIN** of Lincolnville, **CAMPBELL** of Newfield, **CHENETTE** of Saco, **CHIPMAN** of Portland, **COREY** of Windham, **CRAFTS** of Lisbon, **DAUGHTRY** of Brunswick, **DAVITT** of Hampden, **DUCHESNE** of

Hudson, DUNPHY of Old Town, EVANGELOS of Friendship, FOLEY of Wells, FREDETTE of Newport, GERRISH of Lebanon, HANINGTON of Lincoln, HANLEY of Pittston, HARRINGTON of Sanford, HAWKE of Boothbay Harbor, HEAD of Bethel, HOBART of Bowdoinham, HOGAN of Old Orchard Beach, HUBBELL of Bar Harbor, HYMANSON of York, KINNEY of Limington, KORNFIELD of Bangor, LAJOIE of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, MAKER of Calais, MALABY of Hancock, MARTIN of Sinclair, McCABE of Skowhegan, McCREIGHT of Harpswell, McELWEE of Caribou, McLEAN of Gorham, MOONEN of Portland, O'CONNOR of Berwick, ORDWAY of Standish, PICCHIOTTI of Fairfield, PIERCE of Dresden, PIERCE of Falmouth, PRESCOTT of Waterboro, RUSSELL of Portland, RYKERSON of Kittery, SAUCIER of Presque Isle, SCHNECK of Bangor, SEAVEY of Kennebunkport, SIROCKI of Scarborough, SKOLFIELD of Weld, TEPLER of Topsham, TIMBERLAKE of Turner, TIMMONS of Cumberland, TUELL of East Machias, TURNER of Burlington, VACHON of Scarborough, WADSWORTH of Hiram, WARD of Dedham, WARREN of Hallowell, WELSH of Rockport. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Attract Investment to Loring Commerce Centre"
H.P. 1141 L.D. 1670

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.

Resolve, Compensating Susan Cloutier for Claims against the State

H.P. 1142 L.D. 1671

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

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

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

SENATE PAPERS

Bill "An Act To Create Community Substance Abuse Programs"
S.P. 686 L.D. 1674

Presented by Senator **ROSEN** of Hancock. (GOVERNOR'S BILL)

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

Sent down for concurrence.

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

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

REPORTS OF COMMITTEES

House

Pursuant to Resolve

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Create the Task Force on Public-private Partnerships To Support Public Education (EMERGENCY)
H.P. 1143 L.D. 1675

Reported that the same be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, pursuant to Resolve, chapter 52.

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

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

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (2/25/16) matter:

SENATE REPORT - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding the Election Laws" (EMERGENCY)

S.P. 582 L.D. 1484

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-350)**

Tabled - February 25, 2016, by Senator **CYRWAY** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-350)**

(In Senate, February 25, 2016, **READ A SECOND TIME.**)

On motion by Senator **CYRWAY** of Kennebec, Senate Amendment "A" (S-359) **READ.**

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

Senator **DIAMOND:** Thank you, Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **DIAMOND:** Thank you, Mr. President. I'm wondering if the Senator from Kennebec would explain the amendment. I don't have it before me.

THE PRESIDENT: The Senator from Cumberland, Senator Diamond 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 rise before you today to present an amendment to this legislation. The VLA Committee worked very hard on this bill and another, that both dealt with the processing of absentee ballots. Concerns were raised with both pieces of legislation and these amendments are necessary so that we may enact the other piece of legislation, L.D. 1539. The amendment strikes the language that conflicts with L.D. 1539. Also town clerks came before our committee pleading for the additional time to process absentee ballots. Mainers are very involved in the voting process and year after year towns see tremendous influx of absentee ballots. Not this bill but L.D. 1539 would allow the clerks to process ballots three days prior to the election, which will greatly help town and city clerks in municipalities where absentee voting is so popular. It would, basically, be had on Saturday

instead of the Monday that we had, or Tuesday. It would not include Friday. I hope that clarifies. Thank you, Mr. President.

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 rise in I guess not 100% full support of the amendment, but the bill before us, basically, is the Secretary of State's omnibus bill that came out of committee last session unanimous, this session unanimous. We're looking to try to make a modification on that bill through this bill so all the good things in the omnibus bill does not go by the wayside as it did last year. The Chief Executive actually vetoed it and we didn't override it. All the good things within the bill are still intact in the bill and what the amendment does is strikes out the part that is in L.D. 1539, which we'll have an opportunity to vote for, which the clerks unanimously, not unanimously but mostly unanimously, supported wholeheartedly. This, in fact, will take care of another aspect. Your larger cities in the state of Maine will have the opportunity to probably save money by renting a high speed tabulator which, in fact, we have a statewide problem, Mr. President, that this will take care of the urban area and the other bill will take care of the rural area and stuff like that. From that aspect, I am in favor of this. Thank you, Mr. President.

On motion by Senator **CYRWAY** of Kennebec, Senate Amendment "A" (S-359) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-350) AND SENATE AMENDMENT "A" (S-359).

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/22/16) matter:

An Act To Expand the Early Processing of Absentee Ballots
H.P. 1050 L.D. 1539

Tabled - March 22, 2016, by Senator **MASON** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 16, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-560).**)

(In House, March 17, 2016, **PASSED TO BE ENACTED.**)

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

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

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Thursday, March 24, 2016, at 10:00 in the morning, in memory of and lasting tribute to Connie Keschl of Belgrade.