

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
Monday
March 28, 2016

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

Prayer by Rabbi Erica Asch, Temple Beth El in Augusta.

RABBI ASCH: Eloheinu v'lohei avoteinu v'imoteinu, our God and God of our ancestors, we come before You in this season of spring, mindful of the many firsts we are experiencing. We see the first birds return to Maine after a long winter and the first buds begin to push out of the ground. We take a walk without our heavy winter coats and marvel at the warmth of the sun. God, in the busyness of day to day lives, in the midst of the stresses we face rushing from one hearing to another, it is easy to lose sight of the bigger picture. The work of governing is holy work. The laws which we pass and which we fail to pass will have a daily impact on the citizens of our great state. The work we do here today matters in a very real way to those we represent. We pause for a moment before we enter into our sacred work to notice the changes in the world around us, to cultivate awareness for the miracles we experience every day. The Jewish morning liturgy enumerates these nisim b'chol yom, these every day miracles which we might not even notice, the ability to wake up and place our feet on firm ground, to be free, and to have purpose in our lives. We have a beautiful prayer we recite on special occasions or for new experiences. This prayer can be recited at many firsts; the first day of school, eating the first fresh picked strawberry of the season, seeing the first blooms of spring.

Baruch atah adonai, eloheinu melech ha'olam, praised are you God, ruler of the of the universe,
shehecheyanu, who has given us life, the most precious of all gifts,

vekiymanu, who has sustained us, who has kept us whole on our journey,

vehigi'anu lazman hazeh, who has brought us to this time where are privileged to experience a new miracle.

May this awareness of the world outside of these walls stay with us throughout the day. May our wonder never cease. May our knowledge of daily miracles give us joy and humility as we engage in our sacred work. Amen.

National Anthem performed by the Oxford Hill Comprehensive High School Chamber Choir.

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

Reading of the Journal of Thursday, March 24, 2016.

Doctor of the day, Sarah Sedney, M.D. of Portland.

Off Record Remarks

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (3/17/16) matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing the Honorable Russell Black and Susan Black of Wilton

SLS 1003

Tabled - March 17, 2016, by Senator **SAVIELLO** of Franklin

Pending - **PASSAGE**

(In Senate, March 17, 2016, **READ.**)

READ.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's really my pleasure to stand and recognize my friends and their family, Russell Black and Susan Black. I want you to know I'm going to tell you the rest of the story because behind every good farmer there's a good farmer woman. Let me tell you, let me give you some examples. Russell is involved in the Farm Bureau. Sue is home taking care of the cows. Russell is in the Legislature. Sue is home making jelly. Russell is the King Lion. Sue is home canning. Russell is at the farmer's union. Sue is home tending the farm. You see Russell likes animals. It seems he always brought them home all the time and he told the kids, "Don't tell Mom." Eventually she found out, was quiet for a couple of days, and came around to the idea that the animals were okay. One time Russell even brought, recently, chickens home and brought them into the house so they could stay warm. One time when Russell was working alone Sue and her daughter heard Russell yelling down at the barn. They figured, "Oh my goodness, something happened to Russell." They ran down only to find a cow couldn't get up out of the snow. Russell always treated his children well, taught them how to pull weeds, do chores, and so forth. What he didn't know was when he left, when he drove away, they went in the house to watch TV. When they heard his old beater truck coming down the road again they ran outside to continue to pull the weeds. Russell was always known for leaving on the teakettle, melting the handle. There was Sue to clean up the mess. One time Russell even turned on the stove without lighting it. Many of you, I think, took

the time this weekend to visit Maple Syrup Sunday at the farm. It was great. Great ice cream, great sausage, great comradery. There was Sue, doing all the work. Russell just touring everybody around.

Let me share with you a little poem that I found this morning. I think it really sums up who this family is and the face of a farmer's wife. God made a farmer's wife. On the ninth day God looked down on his planned paradise and said, "Oh dear, the farmer is going to need help." So God made the farmer's wife, Susan. God said, "I need someone will get up before dawn, make breakfast, work all day in the kitchen, bank, school, or work alongside her farmer, and then come home to fix supper, wash dishes." So God made the farmer's wife. God said, "I need someone willing to sit up all night with a newborn son and watch him grow, then pray every morning and teach the children to say please and thank you. I need someone who can make a fried egg sandwich, stretch a paycheck, or thicken chicken soup; or can clean her house with vinegar, baking soda, and hot water; and who's painting, planting all the time and harvesting season; who can finish her 40 hour week on Friday then join her farmer in the field for another two days, six meals, and five loads of laundry." God made the farmer's wife. God said, "I need someone strong enough to plant trees and heave bales; to co-sign a loan for a half a million with a steady hand; yet gentle enough to tame and show lambs, raise kids, and calm the farmer when he's upset or higher rent or lower corn; who will stop her work for an hour to talk on the phone for a neighbor," actually it's Russell who usually stops to talk an hour on the phone with his neighbor, "who just found out her mother was sick; someone who could cook and clean and not cut corners; someone to wash and dry and iron and tidy and feed and rake and water and dry and check the homework and pack the lunches and remember the basketball schedule and replenish the refrigerator and finish a hard week's worth of work with a five mile ride to church; someone who sews a family together with strong soft stitches of sharing, who would laugh and then sigh and then reply with smiling eyes when her daughter would say she wants to spend her life doing what her Mom does."

Let me close with two thoughts her children shared about their parents because, as I've joked a little bit about Russell, I think this says why this farm is so successful. One child said, and they're not children any more, but as young adults they've said, "What I learned growing up from a farm with the hardest working Christian parents I know is truly irreplaceable. It helps me in everything I do in life as I continue to use what I've learned every day." The second gave me this information, "Our childhood was really amazing. I would not change it for the world. Mom and Dad have instilled hard work ethics in all of us kids. They should get Parents of the Year." The farm is wonderful. I ask all of you to come and visit Russell and Susan. Russell will ride you around while Susan does the work. My congratulations on this wonderful award, it is well deserved. Thank you, Mr. President.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, everything that the good Senator Saviello said is absolutely true. Yesterday I had the opportunity to be at Russell and Susan's farm, Black Acres Farm. It was awesome. What I loved most about it was this, Russell was the tour guide. He brought my family all over the farm. We saw all

the conservation projects he's done. We saw new piglets. We saw horses. It was amazing. Then when we went in to go buy some maple syrup what I found very, very important to me was that Susan was collecting the money. Susan was doing the work, collecting the money, making sure things were going from A to B. It was an incredible, incredible day for our family and I would encourage everyone to go to Wilton and go to their farm because it is very, very special. Thank you, Mr. President.

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

Senator **DAVIS:** Thank you very much, Mr. President. I certainly feel a little bit overwhelmed and I cannot, in any way, match the eloquence of what my seatmate just said, nor can I reproduce what my good friend from Portland, Senator Alfond, just said. I do want to say a couple of things about Russell and Susan. First, I have always believed that every family has a center and that the wife, or the woman in the family, is the center of it. It certainly is true with this family. She is the center. Susan runs the household. She runs the farm. She does it all. She has instilled in all of her children the work ethic that was spoken of a short time ago. I know, in my heart I know, that she's very diligently over the years and has tried to instill work ethics in Russell. However, like everything in life, sometimes we come up a little short and perhaps that occurred there.

I would tell you a little bit about them. My wife and I have become friends with them. As I've said before here in the Legislature, how we treat each other is one thing that we always remember and I'm sure that Russell will remember what my seatmate had to say about him. The other thing that I have found is the friendships remain. The quality of people that are here. I have friends on both sides of the aisle. I have friends all over the state that I never dreamed of having. It's all because of how we treat each other and being here and learning from each other. Russell and Susan are some of the most generous people that I know. I know of a lot that they give away. Last summer I had a young person contact me and was looking for a piglet. Couldn't find one. I contacted Russell and the folks wound up with two piglets from Russell and Susan.

My seatmate spoke of his truck. That is an experience all in itself. If any of you have ever climbed Borestone Mountain you can compare getting into his truck along the same way. There are a number of rock slides and that type of thing that you have to overcome. Getting into Russell's truck is quite similar. I guess you couldn't say that it was real tidy, perhaps a little unsanitary, I don't know. However, I would recommend a shower, perhaps lye, after you get into his truck.

They have a wonderful farm. They raise everything you can imagine. Maple syrup is just part of it. They raise beef. They raise pork. He and I have a common interest in honey bees. They get a lot of honey. They raise vegetables. The entire farm is covered with chickens and they get eggs. They sell them all. It's an honor system. You go to their farm and the cash box is there, all the produce is there. You get what you want and put your money in and go home. Over the years Russell has told me that very, very, very few times have they had a problem. Very few. The honor system has worked very well. They also have firewood. They sell hay. They're absolutely a great family and absolutely great friends with all of us, that of course includes my wife and I. Mr. President, when the final sentiment is passed, I

would like to move that all members of the Maine State Senate be listed as co-sponsors. Thank you.

Under suspension of the Rules, on motion by Senator **DAVIS** of Piscataquis, all members of the Senate were added as cosponsors.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber today Susan Black, John Black, Corey Black, Melissa Canty, Carrie and Sloan and Roan Lancaster. They are all the guests of the Senator from Franklin, Senator Saviello. Would they please rise and accept the greetings of the Maine Senate.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food

H.P. 532 L.D. 783

In House, March 22, 2016, 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).**

In Senate, March 23, 2016, on motion by Senator **EDGECOMB** of Aroostook, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **EDGECOMB** of Aroostook, the Senate **ADHERED**.

Non-Concurrent Matter

Bill "An Act Relating to the Creation of Public-private Facilities and Infrastructure"

H.P. 884 L.D. 1298
(C "A" H-575)

In House, March 22, 2016, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

In Senate, March 23, 2016, on motion by Senator **MASON** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-575), in NON-CONCURRENCE**.

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

On motion by Senator **WHITEMORE** of Somerset, the Senate **ADHERED**.

Non-Concurrent Matter

Bill "An Act To Eliminate the Maine Estate Tax"

H.P. 1101 L.D. 1622
(C "A" H-567)

In House, March 22, 2016, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

In Senate, March 23, 2016, on motion by Senator **McCORMICK** of Kennebec, 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-567), in NON-CONCURRENCE**.

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

On motion by Senator **MCCORMICK** of Kennebec, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

House Paper

Resolve, Directing the Department of Administrative and Financial Services and the Maine Public Employees Retirement System To Identify Retirees Whose Retirement Benefit Calculations Were Adversely Affected by Certain Pay Freezes and To Calculate Costs Associated with Authorizing Those Retirees To Include Such Lost Wages in Retirement Benefit Calculations

H.P. 1144 L.D. 1677

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

On motion by Senator **HAMPER** of Oxford, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 899

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 24, 2016

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Gunnar J. Gundersen of Walpole, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS	Senators	3	Davis of Piscataquis, Cyrway of Kennebec, Gerzofsky of Cumberland
	Representatives	9	Duchesne of Hudson, Alley of Beals, Corey of Windham, Crafts of Lisbon, Hilliard of Belgrade, Lyford of Eddington, Reed of Carmel, Short of Pittsfield, Wood of Greene

NAYS 0

ABSENT 1 Rep. Martin of Sinclair

Rep. Dana of Passamaquoddy Tribe was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Gunnar J. Gundersen of Walpole, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Paul T. Davis
Senate Chair

S/Robert S. Duchesne
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** 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 (#545)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 34 Senators having voted in the negative, 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 **Gunnar J. Gundersen** of Walpole for reappointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 900

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 24, 2016

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Donald F. Dudley of Patten, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS	Senators	3	Davis of Piscataquis, Cyrway of Kennebec, Gerzofsky of Cumberland
	Representatives	10	Duchesne of Hudson, Alley of Beals, Corey of Windham, Crafts of Lisbon, Hilliard of Belgrade, Lyford of Eddington, Martin of Sinclair, Reed of Carmel, Short of Pittsfield, Wood of Greene
NAYS		0	
ABSENT		0	

Rep. Dana of Passamaquoddy Tribe was absent.

Thirteen 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 Donald F. Dudley of Patten, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Paul T. Davis
Senate Chair

S/Robert S. Duchesne
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** 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 (#546)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 34 Senators having voted in the negative, 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 **Donald F. Dudley** of Patten for reappointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 901

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 24, 2016

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Richard A. Fortier of Caribou, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS	Senators	3	Davis of Piscataquis, Cyrway of Kennebec, Gerzofsky of Cumberland
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Representatives 10 Dukesne of Hudson, Alley of Beals, Corey of Windham, Crafts of Lisbon, Hilliard of Belgrade, Lyford of Eddington, Martin of Sinclair, Reed of Carmel, Short of Pittsfield, Wood of Greene

No Senator having voted in the affirmative and 34 Senators having voted in the negative, 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 **Richard A. Fortier** of Caribou for reappointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

NAYS 0

ABSENT 0

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

Rep. Dana of Passamaquoddy Tribe supports the Committee's recommendation.

Thirteen 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 Richard A. Fortier of Caribou, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Paul T. Davis
Senate Chair

S/Robert S. Dukesne
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** 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 (#547)

YEAS: Senators: None

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

The Following Communication: S.C. 897

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

March 23, 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 State and Local Government has had under consideration the nomination of David R. Ciullo of Springvale, for appointment to the State Civil Service Appeals Board.

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

YEAS	Senators	1	Whittemore of Somerset
	Representatives	10	Martin of Sinclair, Babbidge of Kennebunk, Beebe-Center of Rockland, Bryant of Windham, Doore of Augusta, Evangelos of Friendship, Greenwood of Wales, Harrington of Sanford, Ordway of Standish, Pickett of Dixfield
NAYS		0	
ABSENT		2	Sen. Libby of Androscoggin, Sen. Willette 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 David R. Ciullo of Springvale, for appointment to the State Civil Service Appeals Board be confirmed.

Signed,

S/Rodney L. Whittemore
Senate Chair

S/Roland Danny Martin
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** 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 (#548)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 34 Senators having voted in the negative, 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 **David R. Ciullo** of Springvale for appointment to the State Civil Service Appeals Board was **CONFIRMED**.

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

The Following Communication: S.C. 898

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

March 24, 2016

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

Dear President Thibodeau and Speaker Eves:

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

L.D. 1654 An Act To Strengthen Protection from Abuse Laws

This is notification of the Committee's action.

Sincerely,

S/Sen. David C. Burns
Senate Chair

S/Rep. Barry J. Hobbins
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 493

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

March 24, 2016

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

Dear Secretary Priest:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Criminal Justice and Public Safety on Bill "An Act Regarding Recovery of Emergency Response Costs Related to an OUI Offense" (S.P. 335) (L.D. 944)

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Allow the Public Utilities Commission To Contract for Liquefied Natural Gas Storage and Distribution"
H.P. 600 L.D. 881

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-600)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600)**.

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

READ ONCE.

Committee Amendment "A" (H-600) **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 **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Task Force To Ensure Integrity in the Use of Service Animals"

H.P. 1092 L.D. 1601

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-590)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590)**.

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

READ ONCE.

Committee Amendment "A" (H-590) **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 To Eliminate Inactive Boards and Commissions"
H.P. 1103 L.D. 1624

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-598)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598)**.

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

READ ONCE.

Committee Amendment "A" (H-598) **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 Bill "An Act To Amend Maine's Genetically Modified Food Products Labeling Law"
H.P. 686 L.D. 991

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-596)**.

Signed:

Senators:

EDGECOMB of Aroostook
DILL of Penobscot
SAVIELLO of Franklin

Representatives:

BLACK of Wilton
EDGECOMB of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-597)**.

Signed:

Representatives:

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

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-597)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-597)**.

Reports **READ**.

Senator **EDGECOMB** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596)** 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 PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen, I stand in opposition to the pending motion so that we could move on to a more substantive alternative. I just want to point out a few things that have changed since we implemented L.D. 718 in the previous legislature. First of all, Connecticut has passed a similar law with a trigger. Vermont passed a similar law without a trigger. The federal court in Vermont ruled that Vermont's GMO labeling law is constitutional, which answers some of the original concerns raised as a reason for us having a trigger on our GMO labeling bill. Five major food companies, Campbell Soups, Conagra Foods, Kelloggs, General Mills, and Mars Inc., have all announced that they will label food products that contain GMOs and none of them have said that they are going to be raising prices because of a cost for that labeling, which points to the original concern over costliness of GMO labeling having no merit. Beyond that, the World Health Organization has concluded that glyphosate, as used in roundup ready genetically engineered crops, probably causes cancer. I realize that GMO labeling is not glyphosate labeling, but I also realize that many of the GMO crops are engineered specifically to tolerate glyphosate so glyphosate can be used on them. That's how they are intended to be used. People who buy this GMO seeds for their roundup ready buy glyphosate and put it on those crops and it's on the food and not tested in our food. It is recognized by the World Health Organization as probably causing cancer. Then, beyond that, 97% of Maine people now support GMO labeling. I would ask that, with the safety, long-term impacts, and safety of GMO foods being unproven, and with these risks now being established to go along with GMO crops use, and with these counters to all of the arguments and caution that led to our having a trigger condition in this bill when it was passed in a bi-partisan way and very strongly in this Body and the other Body previously, that we recognize that it's time that we shouldn't rely on whether New Hampshire has the wherewithal to pass the GMO labeling bill to make the decision for Maine people. I ask you to join me in opposing the pending motion so we can go on to putting this question before Maine people, as it deserves. Thank you.

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

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would just like to say a couple of things here if I may. I certainly am in favor of the Ought to Pass as Amended "A". What this does is extends the time period out until 2022. We worked long and hard several years ago to pass the GMO bill that we now have in place. As a scientist, I'm not going to get up here and argue the whats and the wherefores of GMO because it's really a personal thing that I found while I've been out here dealing with this issue. I have no problem with the right to know

and on some issues certainly this fine. When it comes to the safety issue of this, as a scientist, I have not seen any real problems with safety issues here. I think keeping it the way it is, going out until 2022, my hopes is that there will be some standardized labeling. I'm not truly opposed to labeling because I voted for this originally, that does label GMO organisms and I stand by my original vote. What this does is extends this out until 2022, and I think that's the important thing to remember. This isn't killing this. This extends it out so, hopefully, there will be some guidance so that it's similar across the country. Thank you.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise also to support this amendment before us. A couple of things I want to remind you of is that I have also been in favor of GMO labeling, have been since it started, but I always point out the three concerns that our good Attorney General has taught me about. One is the Commerce Clause, one is the Supremacy Clause, and the other is the Freedom of Speech in the Constitution. All three of those could be very successful arguments if they went to the U.S. Supreme Court. By us putting the five states on that, it protects us so that if we have to go we don't go alone, we go with others. If we all think it's over because three or four people have, in fact, put it on, which I give them credit for, a good business decision, we still don't want to go alone. It could cost millions of dollars. That's why we've extended the timeline and I think it's the right thing for us to do. Let me remind the Body, there actually is a law in the books. If people would take the initiative, we could actually label things that are GMO free. That passed before I got here in the Legislature, there just hasn't been any rulemaking done. If someone was a smart marketer they, in fact, could do that today. Thank you very much, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Edgecomb.

Senator **EDGECOMB:** Thank you, Mr. President. Ladies and gentlemen of the Senate, wouldn't it be great if one gene could prevent breast cancer? Wouldn't it be great if agricultural crops could be genetically engineered that would allow crops to be grown in semi-arid counties? It would save on water and save thousands of children that die every day of starvation. Wouldn't it be great if during the Irish Potato Famine that they had an engineered potato that would resist potato blight and save tons of pesticides in this country that we currently apply to potatoes every year to prevent potato blight? Ladies and gentlemen, I think I'll save the rest of my debate in case I need it. I'll rest this at this point. Thank you very much, Mr. President.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. I joined the good Senator from Aroostook in saying that, yes indeed, that is all very wonderful and to be supported, but I also would say that my right, as a parent, to know what my children are consuming is also a valid goal to have as a legislative Body. I take very seriously what my children, and what all other

children, consume. We are asked to look at the amount of sugar, the amount of fat. All of that is on the label. I believe that at one point in time there was a good deal of opposition to that being provided on those food items. We're now in a situation where, slowly but surely, the food producers of our nation and our world are recognizing that this is, too, equally important information and I don't see any reason why, as a legislative Body, we should stand in the way. Thank you.

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I remind people here of two things. First, the federal circuit court in Vermont ruled that Vermont's GMO labeling law is constitutional and Vermont's law does not have a trigger. If we put this issue, instead of just kicking it down the road, before Maine voters and Maine voters decide that we should have a labeling law that actually works today, we would not be alone. Vermont has not only gone ahead of us on this, they've also had positive findings in the federal circuit court about the constitutionality of a law like Maine's. Second, I want to remind you that there is an awful lot of research that's been done, but almost all of it has been very short-term and very limited and has not proven that GMO foods are safe and have no long-term effects for human consumption. That, and the cancer risk of the glyphosate which is used expressly, I would say, because otherwise it kills the crops that are roundup ready, means that parents really do have a strong interest in determining whether they want their family undertaking that risk. It's our responsibility to remove the inherent deception in foods looking the same regardless of whether they have harmful chemicals, potentially harmful proteins, in them that we don't have in organic food, don't have in non-GMO food. An optional labeling program for foods that do not contain GMO is not good enough because if you go to the grocery store and look at how many foods are labeled in that manner today it doesn't leave you enough choices to feed your family, much less a balance and nutritious diet in doing so. It's time we stopped supporting this experiment on families that is, frankly, done without their permission and without their full knowledge because they are not, today, informed what it is they are eating. It's time that we gave Maine people the choice what to feed their families and what risks to undertake on behalf of their families. I'd ask you to stand with me in opposing this motion so that we can give the people of Maine that choice at the polls. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Edgcomb.

Senator **EDGEComb:** Thank you, Mr. President. Ladies and gentlemen of the Senate, we've been consuming GMO products for the last 20 years and research has been done for that period of time by universities and graduate students doing research on the safety of genetically engineered foods. The bottom line is that there is no scientific evidence, no scientific evidence, that GMO is harmful and I would be one of the first ones to agree with labeling if there was. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Edgcomb to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-596) 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 (#549)

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

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

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **EDGEComb** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596)** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-596) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Continue To Provide Group Exemption Passes to State Parks for Persons with Disabilities"

H.P. 1075 L.D. 1584

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-599)**.

Signed:

Senators:
DILL of Penobscot
SAVIELLO of Franklin

Representatives:

HICKMAN of Winthrop
CHAPMAN of Brooksville
DUNPHY of Old Town
McCABE of Skowhegan
McELWEE of Caribou
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
MAREAN of Hollis

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-599)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-599) **READ** and **ADOPTED**, in concurrence.

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

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Upgrade the Concealed Handgun Permit Law"

H.P. 557 L.D. 823

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

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFISKY 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" (H-595)**.

Signed:

Representative:

CHENETTE of Saco

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Support Maine's Working Families"

H.P. 455 L.D. 674

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

Signed:

Senators:

VOLK of Cumberland
PATRICK of Oxford

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-589).**

Signed:

Senator:

CUSHING of Penobscot

Representative:

AUSTIN of Gray

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator **BRAKEY** for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities
S.P. 659 L.D. 1621

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-433).**

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

READ ONCE.

Committee Amendment "A" (S-433) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator **BURNS** for the Committee on **JUDICIARY** on Bill "An Act To Modernize and Consolidate Court Facilities"
S.P. 590 L.D. 1528

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-437).**

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

READ ONCE.

Committee Amendment "A" (S-437) **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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Require Labeling of All Genetically Modified Products"
S.P. 478 L.D. 1326

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

Signed:

Senators:

EDGEComb of Aroostook
DILL of Penobscot

Representatives:

BLACK of Wilton
EDGEComb of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-434).**

Signed:

Senator:

SAVIELLO of Franklin

Representatives:

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

Reports **READ**.

Senator **EDGEComb** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#550)

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

NAYS: Senators: ALFOND, BREEN, BURNS, DAVIS, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **EDGECOMB** of Aroostook to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Quality of Teachers" S.P. 502 L.D. 1370

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-432)**.

Signed:

Senator:
MILLETT of Cumberland

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

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

Signed:

Senators:
LANGLEY of Hancock
EDGECOMB of Aroostook

Representatives:
MAKER of Calais
McCLELLAN of Raymond
POULIOT of Augusta
STEARNS of Guilford

Reports **READ**.

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Victims of Sexual Assault"

S.P. 575 L.D. 1477

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-436)**.

Signed:

Senators:
BURNS of Washington
JOHNSON of Lincoln
VOLK of Cumberland

Representatives:
HOBBS of Saco
EVANGELOS of Friendship
GINZLER of Bridgton
GUERIN of Glenburn
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
SHERMAN of Hodgdon
WARREN of Hallowell

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

Signed:

Representative:
MOONEN of Portland

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-436) **READ** and **ADOPTED**.

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

Sent down forthwith for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Establish a Protocol for Review of State Education Content Standards of the System of Learning Results
H.P. 1015 L.D. 1492
(C "A" H-579)

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

Ordered sent down forthwith.

Emergency Resolve

Resolve, To Provide Funding for the County Jail Operations Fund
S.P. 652 L.D. 1614
(C "A" S-400)

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

Pursuant to Constitution Public Land

An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes
H.P. 1130 L.D. 1659

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 34 Senators having voted in the affirmative and no Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Allow Terminally Ill Patients To Choose To Use Experimental Treatments
H.P. 138 L.D. 180
(C "A" H-577)

An Act To Enact the Recommendations of the Commission on Independent Living and Disability
H.P. 652 L.D. 949
(C "A" H-578)

An Act To Conform Maine Law to Federal Law Regarding Closings and Mass Layoffs and To Strengthen Employee Severance Pay Protections
S.P. 515 L.D. 1389
(C "A" S-409)

An Act To Improve Hospital Governance by Clarifying the Requirement for a Certificate of Need for Intracorporation Transfers
S.P. 624 L.D. 1573
(C "A" S-410)

An Act To Make Hunting, Fishing and Trapping the Basis of Managing Inland Fisheries and Wildlife Resources
H.P. 1083 L.D. 1593
(C "A" H-573)

An Act To Designate the Maine Lobster as the State Crustacean
H.P. 1097 L.D. 1609

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

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

An Act To Facilitate MaineCare Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes
S.P. 589 L.D. 1527
(C "A" S-402)

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

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
(C "A" H-576)

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

An Act To Expand Geropsychiatric Facility Capacity
S.P. 654 L.D. 1616
(C "A" S-412)

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

An Act Regarding the Long-term Care Ombudsman Program
S.P. 655 L.D. 1617
(C "A" S-389)

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

An Act Authorizing the Deorganization of Oxbow Plantation
H.P. 1112 L.D. 1635
(C "A" H-572)

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

An Act To Extend the Time for Commencing an Action Relating to
Death Caused by Homicide
S.P. 646 L.D. 1605

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#551)

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

NAYS: Senators: None

34 Senators having voted in the affirmative and no Senator
having voted in the negative, was **PASSED TO BE ENACTED**
and, having been signed by the President, was presented by the
Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator McCORMICK for the Committee on **TAXATION** on Bill
"An Act To Simplify and Expand the Educational Opportunity Tax
Credit"

S.P. 678 L.D. 1657

Reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (S-438).

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

READ ONCE.

Committee Amendment "A" (S-438) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Change the Definition of 'Hard Cider' for Consistency with Federal Law"

H.P. 1148 L.D. 1678

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.

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 (2/11/16) matter:

JOINT RESOLUTION - Memorializing James E. Homstead of Pittsfield

SLS 911

Tabled - February 11, 2016, by Senator **ALFOND** of Cumberland

Pending - **ADOPTION**

(In Senate, February 11, 2016, **READ**.)

READ.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, we all know Marcia. She's warm, loving, really the glue to not only the Senate Democrats but I think the entire Senate family. You walk into the Senate Democratic Office, she's there, she's wondering how she can help you, what she can do. Even when you're kind of here during your first couple of days, and you're part of the other party, and you're sitting in her office, she makes you feel welcomed. Marcia rarely talked about Jim to all of us, but when you're in leadership for 6 years you get to know someone very, very well. Marcia talked to me about Jim all the time. She would talk about, you know, their trips to New Haven to umpire. She would talk about Jim and his health challenges. She would just talk about Jim and their friends, their family, their children, their spirituality which connected them. It was just this incredible marriage, one that lasted a very, very long time. There was one thing that I found incredibly odd. Marcia, working for the Democratic family for 30 plus years, was married to this robust man, a very proud Republican, an incredibly proud Republican. In fact, when we were at the funeral up in Pittsfield, a place that was somewhat my old stomping ground, I just sat there listening to all of his friends

talk about all these Republican values and all these Republican things that Jim did. I felt his smile was just a little too big, to be perfectly honest. Jim was larger than life. We heard a little bit about his love for music, his love for umpiring, his love for being out on the water, his love for helping out the ministry through the Bread of Life. He was that type of person that we all have in all of our communities; willing to do whatever it takes to get things done. In fact, you can now understand why he was the perfect match for Marcia. She is the type of person that is willing to do anything to get things done, to make this institution proud, a place we all feel comfortable, and a place that we can all get things done. We lost someone terribly important, someone who meant so much to Marcia and her family. Thank you, Mr. President, for allowing me a chance to speak.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I rise today, as well, to honor my former constituent of many years, Jim Homstead. Among his many other accomplishments, his family, his career, his love for Marcia, he did have that distinguished career as an umpire in baseball and softball, not only here but all over the world, as we've just heard. In that profession he had to show, Mr. President, many of the qualities we all know that are important to get to that kind of a level in baseball umpiring; have a clear head, incredible sense of fairness, the ability to get along well with people, a willingness to be firm when necessary, and overall just good judgement. I don't know why it comes as a surprise to my good friend from Cumberland, Senator Alfond, that he was also a lifelong Republican. All of those qualities that he had, all those qualities that Marcia loved, were the same qualities that much to her chagrin, I imagine, made him that and it was a good source of ribbing over all the years of their marriage, I'm sure. Many of us, Mr. President, had a chance to meet members of Marcia's family several weeks back and when something like this happens I think we all realize what's important. Marcia said it best, that she considers all 34 of us to be members of her family. This is her Senate family. I know that I speak for all of us when I say to her, Mr. President, that we are all members of her family. Thank you.

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

Senator **MASON:** Thank you, Mr. President. Men and women of the Senate, I rise today to speak, in a way, on behalf of the Senate Republicans. As the Senator from Kennebec, Senator Katz, just said, when one of us or one of our staff loses someone we really do all feel it. When Marcia lost Jim we definitely all felt it. Over the past few weeks I've had the opportunity to watch Marcia as she's walked around the Capitol. She has been a pillar of strength and she has been a beam of light, the same as she was before Jim left us. That's been a blessing to me. It's been a blessing to, I know, a lot of other people in this room. Marcia and I share the same faith. The Apostle Paul talks in the Book of Acts, when Paul was begging the Lord to take a thorn out of the side of flesh, the Lord responded to him and said, "My grace is sufficient for you." Marcia is living that today. His grace is sufficient for you and I'm so proud of you, Marcia. Our condolences to you on behalf of all the Senate Republicans. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I've known Marcia a long, long time. Didn't know Jim as well but, knowing Marcia as I did, I have very high regard for Jim, what little time I did get to know him. Marcia was, for all of us at one time or another, our mother or our sister or our priest or our rabbi or our minister, someone you could go in and talk to, non-judgmental, caring deeply about everything that goes on in this institution. She clearly, with Jim, was someone that the two of them fit very well together. I remember once she was telling me a few years ago that she had to go home for some reason because Jim was out campaigning. That was before I realized what his inclination might have been and she started listing off the candidates in the area that he was putting signs up for. I paused and said you know I have too much respect for Marcia to even question what he's doing or why he's doing it. It did kind of jingle with me at that point that the two of them may be opposite politically but really were one. It was something to watch, listening to Marcia talk about Jim and all he had done. I just want to send my best to Marcia in her time of struggle. Thank you, Mr. President.

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

Senator **DAVIS:** Thank you very much, Mr. President. I also knew Jim. In fact, I knew him before Marcia did. I was in the service with Jim. I can tell you that he certainly was always the life of the party. He enjoyed life to its fullest. No question about it. I remember one evening, one night, we were out bivouacking. We were in a foxhole and it was raining. It was cold. It was miserable. No matter which way you put those steel helmets on the water still runs down the back of your neck. Not much you can do about it. I will give this to Jim, although I'm not sure if he said this or if it was someone else but I certainly know that he wholeheartedly agreed, he said, "Here we are, guys, out here in the middle of nowhere, pursuing the absurd." I always remembered that. Pursuing the absurd. Quite often I think we do that here in Augusta. He was a great guy. Marcia too. I can only second what my colleagues have said. I came down here and I went into the Senate President's Office and there was a big smile on her face. She's always had that smile for me and has always been very gracious and kind. Always kept the chocolate bowl full. I really appreciate you. Thank you, Marcia, and God bless.

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

Senator **GERZOFSKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I've often heard it said, and I've said it myself, how we become family here. We honestly, honestly do. The longer you're around the more family you become. The longer you're around the more family you have. Everybody knows who my number one is in this building. It's been said so many times. She has been here with me for a long time and so has Jim. Jim and I couldn't be further apart on politics if we tried. We used to love to sit and talk, especially at the air show in Brunswick, about the differences, but we never ever, ever took them seriously. Jim was a Republican's Republican and I think

I'm a Democrat's Democrat. We used to have those conversations quite often. Nothing thrilled Jim, I don't think, as much during the summer as when we could get him some nice VIP tickets to the naval air show, the Blue Angels, in Brunswick. Marcia and Jim would come. Jim would have a great seat right in front of the Blue Angels and he'd get to listen to them, get to hear them. He used to get thrilled when they fired up those turbines and get ready for their demonstration, but he had a great time all day. Jim was sick. You know Jim was ill at the last air show. It was a pretty bright sunny day. It was kind of warm. God, all I got was these thoughts in my head of how much fun he really had there and how much fun I had with him there; him and Marcia enjoying themselves; Jim and I enjoying our conversations. Some people love a fella named Trump and some people love a gal named Hill. We could discuss that very openly and very fun without taking it serious. That was the great thing I always enjoyed. I wanted to give my condolences, of course, to Marcia and say how much we're all going to miss Jim, but those conversations you have out in the parking lot when somebody's waiting to pick up their wife and you talk about what's going on, and they enjoy knowing what's going on, it's really a pleasure. I just want to thank Marcia for letting us all know Jim, letting me know him. We have a mutual friend named Babs and we're going to continue that relationship. Let me tell you, the people in here become your family just as much as the family you have at home. Honor that and really respect that because that's what, as we get older and some of us get older, you appreciate the most. Thank you, Mr. President.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: Would Marcia please rise and accept the condolences of her Senate family.

The Chair laid before the Senate the following Tabled and Later Assigned (3/24/16) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Provide Income Tax Relief by Expanding Gaming Opportunities"

H.P. 876 L.D. 1280

Report "**A**" - Ought to Pass as Amended by Committee Amendment "**E**" (H-580) (9 members)

Report "**B**" – Ought Not to Pass (3 members)

Report "**C**" – Ought to Pass as Amended by Committee Amendment "**F**" (H-581) (1 member)

Tabled - March 24, 2016, by Senator **CYRWAY** of Kennebec

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, March 23, 2016, Report "**B**" **OUGHT NOT TO PASS ACCEPTED**)

(In Senate, March 24, 2016, Reports **READ**.)

Senator **CYRWAY** of Kennebec moved the Senate **ACCEPT** Report "**A**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "E" (H-580)**, 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#552)

YEAS: Senators: **BAKER, CYRWAY, DIAMOND, DILL, EDGECOMB, GERZOFSKY, HASKELL, KATZ, MCCORMICK, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, WILLETTE, WOODSOME**

NAYS: Senators: **ALFOND, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, DAVIS, GRATWICK, HAMPER, HILL, JOHNSON, LANGLEY, LIBBY, MASON, MILLETT, ROSEN, WHITTEMORE, THE PRESIDENT - MICHAEL D. THIBODEAU**

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **CYRWAY** of Kennebec to **ACCEPT** Report "**A**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "E" (H-580)**, in **NON-CONCURRENCE, FAILED**.

On motion by Senator **ALFOND** of Cumberland, Report "**B**" **OUGHT NOT TO PASS ACCEPTED**, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

Bill "An Act To Encourage Roller Derby"
H.P. 1062 L.D. 1559

Tabled - March 3, 2016, by Senator **MASON** of Androscoggin

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, February 25, 2016, **PASSED TO BE ENGROSSED**.)

(In Senate, March 3, 2016, **READ A SECOND TIME**.)

PASSED TO BE ENGROSSED, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/8/16) matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Implement the Combination Defined Benefit and Defined Contribution Retirement Plan Described in a Report Submitted to the Joint Standing Committee on Appropriations and Financial Affairs in March 2012"

H.P. 715 L.D. 1032
(C "A" H-534)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-534)** (6 members)

Tabled - March 8, 2016, by Senator **HAMPER** of Oxford

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 3, 2016, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, March 8, 2016, Reports **READ**.)

Senator **HAMPER** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#553)

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

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

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **HAMPER** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-534) **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.

The Chair laid before the Senate the following Tabled and Later Assigned (3/15/16) matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Ensure the Use of Environmentally Responsible Insulation Materials in Taxpayer-funded Building Projects"

S.P. 461 L.D. 1286

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-386)** (7 members)

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

Tabled - March 15, 2016, by Senator **WHITEMORE** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 15, 2016, Reports **READ**.)

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

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

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. This is really a pretty straight forward bill. It is trying to make the tax dollars that we spend on renovation and construction actually discriminate on whether they are going to use materials that are a thousand times more harmful to global warming, which hurts our farming and our fishing industries, changes the season on our maple syrup production, and many other things, or actually are more responsible in using materials that are available at comparable costs and have an impact not of 1,200 or 1,500 times as much on global warming as carbon dioxide but only 1 times the impact of carbon dioxide or 7 times in some materials. This bill says if it's less than 10 than you can use it. I think that's a responsible thing to do for the interest of our farming and fishing and logging industries, that we take a stand

on global warming. I'd ask you to stand with me in opposing the pending motion so we can actually do some good for our native industries. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#554)

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

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

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **WHITEMORE** of Somerset to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/15/16) matter:

SENATE REPORT - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Facilitate the Use of State Education Subsidies" (EMERGENCY)

S.P. 573 L.D. 1475

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-388)**

Tabled - March 15, 2016, by Senator **HAMPER** of Oxford

Pending - **ACCEPTANCE OF REPORT**

(In Senate, March 15, 2016, **READ**.)

Senate at Ease.

Senate called to order by the President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#555)

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

NAYS: Senators: None

34 Senators having voted in the affirmative and No Senator having voted in the negative, the **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-388) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road"
H.P. 903 L.D. 1325

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-558)**

Tabled - March 16, 2016, by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, March 15, 2016, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-558)**.)

(In Senate, March 16, 2016, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-558) **READ**.

On motion by Senator **LIBBY** of Androscoggin, Senate Amendment "A" (S-414) to Committee Amendment "A" (H-558) **READ**.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, this amendment restores the mandate preamble to the original bill. The committee did good work here on an issue that has been difficult for this Legislature to resolve and this amendment simply helps ensure that the new law is enforceable. Thank you, Mr. President.

On motion by Senator **LIBBY** of Androscoggin, Senate Amendment "A" (S-414) to Committee Amendment "A" (H-558) **ADOPTED**.

Committee Amendment "A" (H-558) as Amended by Senate Amendment "A" (S-414) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-558) AS AMENDED BY SENATE AMENDMENT "A" (S-414)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Replace a Statue in the National Statuary Hall Collection"

S.P. 645 L.D. 1604

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-413)** (6 members)

Tabled - March 22, 2016, by Senator **LANGLEY** of Hancock

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

(In Senate, March 22, 2016, Reports **READ**.)

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

Senator **LANGLEY**: Thank you, Mr. President. Men and women of the Senate, I rise today to talk about this bill, which was just for your enjoyment, I think. Senator Mason proposed last session in a bill to bring home Governor King from Washington D.C., that Governor King returns for the State's bicentennial. That started a process, as often happens, when you think you have a really good idea and you give it to the committee to work. We got some of the Arts Commissions folks to come around and help us. They did a survey, what you might have seen in the newspaper, and the survey came back that Margaret Chase Smith ought to be sent to Washington and Hannibal Hamlin ought to come home. Our, I would say, the divided report, and at the end of my reason for voting in opposition to this, is that it kind of got away a little bit from us in that it's going to cost a fair amount of money, tasks people to try to raise that money. The arts folks, the Arts Commission, the art community was very excited about the project but a little leery of how it would actually get implemented. At the end, I would say that, not that it's not a good idea that doesn't warrant being done, I just felt that at this point in time it was just a little bit unmanageable. Not that I objected to anything that's in this, just that the implementing was going to be a little difficult. Thank you for listening.

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

Senator **MASON**: Thank you, Mr. President. Men and women of the Senate, this bill was put in on behalf of a constituent. It did create a lot of fun, a lot of debate, and I think that it's really awesome when you can get Maine people involved in Maine history. A lot of people know that I have an affinity for the archives and museum and I think it was a fun project. It got a lot of people paying attention and probably best that it goes the way of the archives at this point. It was a lot of fun and it got a lot of people involved. I thank everybody for putting a lot of time and effort into this project. 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 think this is a noble effort but I think it takes it a little bit too far, the effort, now. I commend the Senator but I guess we're ready to move on.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Edgecomb.

Senator **EDGECOMB**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I think it's only appropriate that we try to honor Governor King, our very first Governor. Thank you.

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

Sent down for concurrence.

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

On motion by Senator **ALFOND** of Cumberland, **ADJOURNED** until Tuesday, March 29, 2016, at 10:00 in the morning, in memory of and lasting tribute to James E. Homstead of Pittsfield.

Off Record Remarks
