

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

Second Regular Session
beginning January 6, 2016

beginning at Page 1434

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

In Senate Chamber
Tuesday
April 5, 2016

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

Prayer by Senator Paul T. Davis Sr. of Piscataquis County.

SENATOR DAVIS: Thank you and good afternoon everybody. Three minutes ago I didn't know I was going to be doing this. Here we are. Just to share a couple of things with you. Every morning about 4 or 4:30 I get up and I have a yellow lab and she wants to be fed. I get up with her and I read the Bible every morning. The last few days I've been reading in Proverbs and it talks about wisdom and good judgement and going forward. Every morning I also pray for the Senate. I pray for the Governor and the Legislature and everybody that I am in contact with. Revealing all that to you, let's go to prayer.

Dear God, we come before You, Father, and we give You thanks for the nation we have, the government that we have where men and women can come together and freely express their ideas and be part of it. We pray, God, in the next few days, as we wind up this session, that You give the wisdom that Solomon had; the decisions that we make, that they would honor You. Be with us, Father, and guide us and protect us in all the things that we say and do. In Your name, Jesus. Amen.

Pledge of Allegiance led by Senator Amy F. Volk of Cumberland County.

Reading of the Journal of Monday, April 4, 2016.

Doctor of the day, Mary Moran, M.D. of Hope.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order:

H.P. 1159

JOINT RESOLUTION
RECOGNIZING APRIL 2016 AS AUTISM AWARENESS
MONTH

WHEREAS, autism is a spectrum disorder, which means no 2 people with autism are affected the same way, and it is a complex developmental disability that usually appears during the first 3 years of life and results in a neurological disorder that affects the functioning of the brain and social interaction and communication skills; and

WHEREAS, in the United States, one in 68 children is diagnosed with this spectrum disorder and prevalence has increased 30% since the United States Centers for Disease Control and Prevention's study in 2008; and

WHEREAS, autism knows no racial, ethnic or social boundaries and neither income nor lifestyle nor education affects its occurrence and it is estimated that more than 3,500,000 people live with autism spectrum disorder in the United States; and

WHEREAS, autism costs the United States over \$236,000,000,000 in annual health care costs, most of which are in adult services, and these costs are anticipated to increase; and

WHEREAS, while a single specific cause of autism is not known, current research links it to biological or neurological differences in the brain, and outdated theories and myths, such as autism being a mental illness, have been proven to be false; and

WHEREAS, with support, people with autism can live full lives and make meaningful contributions to society; 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, pause in our deliberations to acknowledge that the month of April 2016 is Autism Awareness Month and to pledge our support and encouragement to all those affected by autism; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Autism Society of Maine as a token of our respect and support.

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

READ.

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

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 (3/30/16) matter:

JOINT ORDER - Recognizing James T. Gallagher of Eddington
SLS 1081

Tabled - March 30, 2016, by Senator **GRATWICK** of Penobscot

Pending - **PASSAGE**

(In Senate, March 30, 2016, **READ.**)

READ.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen, it's my delight to have Mr. Gallagher here with us today. Just of note, he's the local Bangor boy/man who went away, thought that the grass was going to be greener there, but came back to Maine and, indeed, he's done very well. I can attest to 40 different kinds of whoopee pies, so when you come to either Bangor or Brewer you have a treat waiting for you. It's a great pleasure to have Mr. Gallagher with us today. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber with us today Mr. James T. Gallagher. Would he please rise and accept the congratulations of the Senate.

Senate at Ease.

Senate called to order by the President.

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

SENATE PAPERS

Bill "An Act To Raise the Minimum Wage Incrementally to \$10 Per Hour in 2020"

S.P. 701 L.D. 1695

Presented by Senator CUSHING of Penobscot. (GOVERNOR'S BILL)

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

ORDERS

Joint Order

Out of order and under suspension of the Rules, the following Expression of Legislative Sentiment recognizing:

Elizabeth Ward Saxl, of Belgrade, who was inducted into the Maine Women's Hall of Fame at the University of Maine at Augusta. Mrs. Saxl has served as Executive Director of the Maine Coalition Against Sexual Assault for sixteen years. We extend to Mrs. Saxl our congratulations and best wishes;
SLS 1096

Sponsored by Senator KATZ of Kennebec.
Cosponsored by Senator: SAVIELLO of Franklin,
Representatives: FOWLE of Vassalboro, HILLIARD of Belgrade.

READ.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, it's an honor for me to rise and to honor Elizabeth Ward Saxl, who is with us here today, as she is inducted into the Hall of Fame. She is a passionate advocate for the joining of public policy solutions with community based approaches that address the complex problems which impact the lives of Mainers, particularly women and girls. For the last 16 years, Mr. President, she has proudly served as the Executive Director of the Maine Coalition Against Sexual Assault, and I suspect that many of my colleagues have met her in that capacity, to work to end sexual violence and to support high quality response focuses, both on statewide public policy advocacy and expanding the ability of Maine's local sexual assault support centers to engage in their critical work of providing prevention programs for tens of thousands of Maine children and victim services to thousands of victims of crimes each year. She's no stranger to the world of volunteerism. She's served on the boards of the Maine Center for Economic Policy. She's with the Maine Women's Lobby and currently on the Maine Criminal Justice Academy Board of Trustees and the Permanent Commission on the Status of Women. I suspect that many of you also know her husband, Michael, who shares her professional and personal passions. Chief among them is raising their daughter, of whom they are extremely proud. Mr. President, I thank you for the opportunity to recognize this extraordinary woman on this wonderful honor. Thank you.

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, it's a true pleasure for me to rise and recognize Ms. Elizabeth Ward Saxl. I had the pleasure of working with her when I sat on the Criminal Justice Committee for quite some number of years. My experience with her was outstanding. This is a person who never missed a hearing or a work session. She always sat in the back row. I never did quite figure that one out. She was always present and she was always calm. She was always there to make sure that the voices of those people who were victims were heard, but she didn't do it in a way that excluded good public policy. Sometimes that happens. Sometimes we are so eager to make sure that we protect a group that we forget that we may be harming other groups along the way. She never let that interfere with her being able to do an excellent job of protecting and watching out for the best public policy. Over and over again, she would remind us,

both up and down the scale, what our actions would result in. She was ever patient, ever kind, but also very broad in her recognition of what the issues were, what the matters were. It was a pleasure to work with her and I'm so pleased and excited that she has been recognized for this honor and I think it's well deserved. 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 just want to add my few words, actually my praise and respect, for Elizabeth Ward Saxl. I can't tell you the number of sexual assault bills that I've worked with her on, she's brought to me, or I've asked her for advice. It's got to be well over 50, I would guess, during the time I was on the Criminal Justice and Public Safety and other committees. The most recent bill, of course, is the one you all supported. That was the rape victim bill, which if a rape victim, if a child is conceived, it gives the victim more rights than they have now. Very serious, a positive change. I just want to say thank you to Elizabeth Ward Saxl for all she's done. She's had a big impact on the sex offender registry as well as other things that we've seen come through this Body and the other Body. Mr. President, I just want to say thank you to her and give her my congratulations as well.

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

Senator **MASON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to rise and add my congratulations for Elizabeth's work and her induction into the Hall of Fame. Serving on Criminal Justice you deal with a lot of really weighty issues and there are sometimes things that are uncomfortable to deal with, but the subject matter is intense. Elizabeth always did a great job of helping us wade through that subject matter and make good decisions. Her heart, one of the things I really loved about sitting on that committee and listening to Elizabeth come in was that her heart was always in it. That's appreciated and it goes a long way when we make our decisions. Congratulations and best of luck to you always.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to rise and quickly echo the things that I've heard here today. I agree with the good Senator Haskell. It was really a pleasure to have her in the room with all these difficult issues that we dealt with. It seems like very committee that I've served on she's in the back of the room. You can always get feedback if you're going off track. All you have to do is make eye-to-eye contact with her and she'll get you back on track. It's very helpful. In all fairness, she has been a voice of reason on some very difficult issues and she'll come together with any group and try to work out a solution that befits the situation. Again, I congratulate her.

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

Senator **GERZOFSKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, now you hear from Criminal Justice and Public Safety members. You've heard from our Leads. You've heard from our Chairs. We're all in support of Ms. Saxl, no matter almost what she does. I served on Judiciary when she used to come in, like Senator Burns, and talk to us. We've all had a great opportunity, whether you're on Criminal Justice, Judiciary, Health and Human Services, to listen to her sage advice and all advocates that work in this building should learn from Elizabeth Ward Saxl how to do the job that she's been able to do. She should be giving lessons because she does it right. She knows the positions that she supports and she knows the boundaries she's working in. I cannot give a higher recommendation or a heartier thank you and congratulations on this award. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Elizabeth Ward Saxl of Belgrade. She's the guest of the entire Senate. Would she please rise and accept the congratulations of the Senate.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Change the Definition of 'Hard Cider' for Consistency with Federal Law"

H.P. 1148 L.D. 1678

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.

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Assist Small Distilleries"

H.P. 1152 L.D. 1687

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide Supplemental Appropriations and Deappropriations for the Judicial Department for the Fiscal Years Ending June 30, 2016 and June 30, 2017" (EMERGENCY)
H.P. 1087 L.D. 1597

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-631)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-631)**.

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

READ ONCE.

Committee Amendment "A" (H-631) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME.**

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-632)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-632)**.

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

READ ONCE.

Committee Amendment "A" (H-632) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

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

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

ENACTORS

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

Emergency Measure

An Act To Implement Certain Recommendations of the Task Force on School Leadership

S.P. 691 L.D. 1684
(S "A" S-450)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senator having voted in the negative, and 28 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 Implement the Recommendations of the Intergovernmental Pretrial Justice Reform Task Force

S.P. 666 L.D. 1639
(C "A" S-453)

An Act Regarding Stolen Valor

S.P. 669 L.D. 1642
(C "A" S-454)

An Act To Reform the Veteran Preference in State Hiring and Retention

H.P. 1128 L.D. 1658
(C "A" H-622)

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

Ordered sent down forthwith.

Off Record Remarks

ORDERS OF THE DAY

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

An Act To Provide Supplemental Appropriations and Deappropriations for the Judicial Department for the Fiscal Years Ending June 30, 2016 and June 30, 2017 (EMERGENCY)
H.P. 1087 L.D. 1597

Tabled - April 5, 2016, by Senator **MASON** of Androscoggin

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

(In House, April 4, 2016, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-631)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-631)**.)

(In Senate, April 5, 2016, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-631) **READ** and **ADOPTED**, in concurrence. **RULES SUSPENDED, READ A SECOND TIME**.)

PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

Off Record Remarks

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

Resolve

Resolve, Establishing the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum

H.P. 1119 L.D. 1644
(C "A" H-606; S "A" S-455)

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

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

RECESSED until 6:00 in the evening.

After Recess

Senate called to order by the President.

The Senator from York, Senator **SUSAN A. DESCHAMBAULT**, having had, before the Governor, taken and subscribed to the oaths of office required by the Constitution, was escorted to her seat in the Senator Chamber by the Sergeant-At-Arms.

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

Senator **MASON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, and especially the Senator from York, Senator Deschambault. On behalf of the Republican Caucus I welcome you to the Senate. You will quickly learn that this is a family and you will learn that when we all are happy we're all happy and when one is sad we're all sad. We share in each other's trials and we share in each other's joys. I welcome you to the Senate. You only have two short weeks, but I promise you'll enjoy every minute of it because every single one of us here enjoy what we do and we're happy to serve the people of Maine with you. Thank you, Mr. President.

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

Senator **HILL:** Thank you, Mr. President. I am so excited today to have Susan Deschambault here in the Chamber. We are proud of her. Our party is proud of her. I hope you will come to know her and be proud of her as well as a Senator. She is a fourth generation resident of Biddeford. She's got 40 years in public service in the prison system. She's also been very involved with the transitioning of Biddeford from a mill town to an exciting new economic development area. Most of all, in work with her over the last couple of weeks, I just found her to be a lovely person. Clearly the people around her find her to be that way too. They didn't even know my car but they'd be stopping us to say hi to her and talk with her and just say wonderful things about her and to her. It was very impressive to be in her company. I thought, "I want to be more like her." It was just very special. I just want to say, finally, that we can only imagine, begin to imagine, what it must be like for her to walk into this esteemed Chamber with two weeks left to go and three and a half months of work behind us and she has to do this quick catch up. I am going to ask you, as a Senator, to please embrace her, help her in every way you can, and get her to love the Senate like the rest of us do. Thank you.

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

Senator **LIBBY**: Thank you, Mr. President. Men and women of the Senate, I wanted to inform you that a third French speaker has entered the Chamber today.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide Funding to the Maine Budget Stabilization Fund" (EMERGENCY)
S.P. 647 L.D. 1606

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-464)**.

Signed:

Senators:

HAMPER of Oxford
KATZ of Kennebec
VALENTINO of York

Representatives:

ROTUNDO of Lewiston
FREY of Bangor
GRANT of Gardiner
JORGENSEN of Portland
MARTIN of Eagle Lake
SANBORN of Gorham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-465)**.

Signed:

Representatives:

NUTTING of Oakland
SIROCKI of Scarborough
TIMBERLAKE of Turner
WINSOR of Norway

Reports **READ**.

Senator **HAMPER** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464)** 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 Chair noted the absence of the Senator from Franklin, Senator **SAVIELLO**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#586)

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

NAYS: Senators: BRAKEY, EDGECOMB, MASON, WILLETTE

EXCUSED: Senator: SAVIELLO

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HAMPER** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464)** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-464) **READ**.

On motion by Senator **HAMPER** of Oxford, Senate Amendment "A" (S-467) to Committee Amendment "A" (S-464) **READ**.

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

Senator **HAMPER**: Thank you, Mr. President. This is merely a technical amendment, drafting error, and we inadvertently, in capturing other bills to bind into this one, into L.D. 1606, a couple of positions got left out within the Secretary of State's office. Like I said, it's merely a drafting error. Thank you, Mr. President.

On motion by Senator **HAMPER** of Oxford, Senate Amendment "A" (S-467) to Committee Amendment "A" (S-464) **ADOPTED**.

Committee Amendment "A" (S-464) as Amended by Senate Amendment "A" (S-467) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464) AS AMENDED BY SENATE AMENDMENT "A" (S-467)** thereto.

Sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 935

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

April 1, 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 Energy, Utilities and Technology has had under consideration the nomination of Brent Boyles of Presque Isle, for reappointment to the Efficiency Maine Trust 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	3	Woodsome of York, Hill of York, Mason of Androscoggin
	Representatives	10	Dion of Portland, Babbidge of Kennebunk, 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

NAYS 0

ABSENT 0

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 Brent Boyles of Presque Isle, for reappointment to the Efficiency Maine Trust Board be confirmed.

Signed,

S/David Woodsome
Senate Chair

S/Mark N. Dion
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** 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 (#587)

YEAS: Senators: None

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

EXCUSED: Senator: SAVIELLO

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Brent Boyles** of Presque Isle for reappointment to the Efficiency Maine Trust Board was **CONFIRMED**.

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

The Following Communication: S.C. 936

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

April 1, 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 Energy, Utilities and Technology has had under consideration the nomination of Herbert Crosby of Orono, for appointment to the Efficiency Maine Trust 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	3	Woodsome of York, Hill of York, Mason of Androscoggin
	Representatives	10	Dion of Portland, Babbidge of Kennebunk, 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

NAYS 0

ABSENT 0

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 Herbert Crosby of Orono, for appointment to the Efficiency Maine Trust Board be confirmed.

Signed,

S/David Woodsome
Senate Chair

S/Mark N. Dion
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** 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 (#588)

YEAS: Senators: None

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

EXCUSED: Senator: SAVIELLO

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Herbert Crosby** of Orono for appointment to the Efficiency Maine Trust Board was **CONFIRMED**.

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

The Following Communication: S.C. 937

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

April 1, 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 Energy, Utilities and Technology has had under consideration the nomination of David Barber of Cape Elizabeth, for reappointment to the Efficiency Maine Trust 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	3	Woodsome of York, Hill of York, Mason of Androscoggin
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Representatives 10 Dion of Portland, Babbidge of Kennebunk, 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

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **David Barber** of Cape Elizabeth for reappointment to the Efficiency Maine Trust Board was **CONFIRMED**.

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

NAYS 0

ABSENT 0

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 David Barber of Cape Elizabeth, for reappointment to the Efficiency Maine Trust Board be confirmed.

Signed,

S/David Woodsome
Senate Chair

S/Mark N. Dion
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** 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 (#589)

YEAS: Senators: None

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

EXCUSED: Senator: SAVIELLO

The Following Communication: S.C. 938

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

April 4, 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 State and Local Government has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1680 Resolution, Proposing An Amendment To The Constitution Of Maine To Reduce The Number Of Representatives And Senators In The Legislature

This is notification of the Committee's action.

Sincerely,

S/Sen. Rodney L. Whittemore
Senate Chair

S/Rep. Roland Danny Martin
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 507

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

April 1, 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 1650, "An Act To Enact the Recommendations of the Study of the Allocations of the Fund for a Healthy Maine."

This bill requires the Department of Health and Human Services (DHHS) to produce an annual report on the Fund for a Healthy Maine (FHM). The bill requires the report to provide "information on the progress the department is making toward health priorities identified by the department as improving the health status of persons in the State using expenditures from the fund."

The Legislature, not DHHS, sets "health priorities" for FHM. In fact, in DHHS's SFY16-17 budget proposal, this Administration recommended that FHM funds currently going to Healthy Maine Partnerships (HMP) for the distribution of posters and pamphlets should instead be spent to increase access to primary care for MaineCare members. With pressure from HMP lobbyists, the Legislature refused that recommendation and protected the status quo.

This Administration also recommended using surplus FHM funds to pay for the recently enacted addiction treatment bill, but the Legislature again refused to touch the FHM sacred cow.

Do not mandate that the Executive Branch produce reports about organizations that you do not have the political will to reform. The Legislature has proven time and again that it is unwilling to let Maine people fully benefit from FHM, and another report will not change that.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Enact the Recommendations of the Study of the Allocations of the Fund for a Healthy Maine
H.P. 1121 L.D. 1650

Comes from the House, 129 members having voted in the affirmative and 13 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 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 (#590)

YEAS: Senators: ALFOND, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

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

EXCUSED: Senator: SAVIELLO

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, and 16 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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

COMMUNICATIONS

The Following Communication: S.C. 942

STATE OF MAINE 127TH LEGISLATURE OFFICE OF THE SECRETARY OF STATE

March 30, 2016

To Michael D. Thibodeau, President of the Senate in the One Hundred and Twenty-seventh Legislature:

I, Matthew Dunlap, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the return of the votes cast for State Senate District 32 at the Special Election held on the twenty-ninth day of March in the year two thousand and sixteen;

REPORT AS FOLLOWS; that Susan A. Deschambault of Biddeford, having received a plurality of the votes cast, appears to have been elected:

SPECIAL ELECTION – March 29, 2016
STATE SENATE DISTRICT 32

Susan A. Deschambault, Biddeford 1,785
Stephen P. Martin, Biddeford 1,299

I, Matthew Dunlap, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for State Senate at the Special Election, as reported to me on the returns from the municipalities in State Senate District 32.

S/Matthew Dunlap
Secretary of State

READ and ORDERED PLACED ON FILE.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula" (EMERGENCY)

H.P. 944 L.D. 1394

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-630).**

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630).**

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

READ ONCE.

Committee Amendment "A" (H-630) **READ.**

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-461) to Committee Amendment "A" (H-630) **READ.**

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I live in a community that, second to Portland, is actually having the largest reduction in school funding of this year and we're losing about a million dollars in funding, which is a pretty tough pill to swallow because our subsidy has been going down over the last several years and our property taxes have been increasing and I know that that's the case in a lot of other places as well. I made a promise to the constituents in my district, many of whom were really quite outraged at what was happening and confused and concerned, and so I just want to ask you to think about this for a moment. We know that some of the major pieces in the school funding deals with if you have dwindling enrollment and we do have a lower enrollment. If you have higher property values, and our property values have, unlike the rest of the state, risen a little bit. One of the things that we also have is that we had the burden of having to, in the views of my community, build a new school building because we had some air quality concerns with a lot of mold and asbestos in our elementary school. There were a number of staff and some students who felt that they were being adversely affected by the air and over and over and over again we didn't seem to make a lot of progress on the application for funding by the State to build a new elementary school and so the town, after a couple of different tries, made the difficult decision to pay for the new

school by a bond. I believe the value of the bond was about \$38 million and so not only do we have to pay that bond but, having paid off our State approved debt, we're actually being hit again in the school funding formula, being penalized again because we didn't ask the State, or wait for the State, to pay for our school. Instead we're shouldering all of the cost for that new building ourselves, the 18,000 or 19,000 or so people who live in the Town of Scarborough. It's not just Scarborough that's affected by this. South Portland High School also felt that they needed to expand their high school and they're doing so with a bond. Rangeley Lakes Regional School is another school district that made that decision. Lisbon High School was also paid for without any State help. The Mildred Day School in Kennebunkport, as well as Kennebunk High School. Northport Public School, the Edna Drinkwater, Freeport High School, the Bangor School Department built a behavioral program, Greeley Middle School, and in Lewiston McMann and Lewiston Middle School. Those communities are, in a very real sense, penalized in the school funding formula for the fact that they decided to take responsibility for building their own schools or doing their own construction and paying for that themselves and what this amendment would do is it would just ask the State to calculate that into the formula, the fact that these district are shouldering the burden of paying that debt all on their own so that they would no longer be effectively penalized. I ask just to bare consideration of that and I thank you for your attention.

Senator **LANGLEY** of Hancock moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-461) to Committee Amendment "A" (H-630).

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, if any of you have ever been involved with the school construction process or had a school on that list you know school construction is very complicated here in Maine, but simply put, there is a list generated based on need throughout the state and the department funds the number of projects that it can each year based on the available funding. More than that, the process includes rigorous review. There are standards and formulas. Having gone through this in my hometown of Ellsworth, I know that when we built the new Ellsworth High School, based on the number of students that were there, the auditorium, the would pay for a certain size for a certain number of seats because of a certain number of students. If a school district or community felt that they wanted to have a larger or more than what was approved they would be on the hook for that. What this amendment does, that's been presented, it looks to get these, anytime there would be an unapproved project, which means the community decided to take it on their own, that it would get factored into the funding formula, which would then decrease subsidies to every other part of the state. I certainly understand and appreciate where the good Senator is coming from, that they have taken this on on their own, didn't want to wait until their project rose to the top, but that's a choice that's made at the local level and should be paid for at the local level. In essence what would happen is that the taxpayers would be on the hook afterwards for whatever was built at the local level and I don't see where there would be any stopping of what people might put into a school system or a district if they knew it was going to be paid

for by the rest of the citizens of the state. With that, I would ask for your support on this Indefinite Postponement. Thank you very much.

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-461) to Committee Amendment "A" (H-630) **INDEFINITELY POSTPONED**.

Committee Amendment "A" (H-630) **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 Amend the Child Protective Services Laws"

H.P. 842 L.D. 1224

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-629)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-629)**.

Report **READ**.

On motion by Senator **BURNS** of Washington, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Consent to Land Transfers to the Federal Government"

H.P. 1091 L.D. 1600

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-571)**.

Signed:

Senators:
WHITEMORE of Somerset
WILLETTE of Aroostook

Representatives:
GREENWOOD of Wales
HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571)**.

Reports **READ**.

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

Senate

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Encourage the Purchase of Products Made in Maine and in the United States and To Give Preference to Maine Businesses When Awarding Contracts"
S.P. 587 L.D. 1525

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-459)**.

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-460)**.

Signed:

Senators:
WHITEMORE of Somerset
WILLETTE of Aroostook

Representatives:

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

Reports **READ**.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (3/1/16) matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste Energy Resources"

H.P. 191 L.D. 273

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-519)** (5 members)

Tabled - March 1, 2016, by Senator **WOODSOME** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, February 25, 2016, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In Senate, March 1, 2016, Reports **READ**.)

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

The President took a seat on the Floor.

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

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

COMMUNICATIONS

The Following Communication: S.C. 953

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

April 5, 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 Androscoggin, Senator Mason to serve as President Pro Tempore. With this appointment Senator Mason will resume Senate proceedings as President Pro Tempore the evening of April 5, 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.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (3/30/16) matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Enable the State To Hire Qualified Applicants for Vital State Jobs"
S.P. 681 L.D. 1664

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

Minority - **Ought to Pass** (6 members)

Tabled - March 30, 2016, by Senator **WHITTEMORE** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 30, 2016, **READ**.)

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

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste Energy Resources"

H.P. 191 L.D. 273

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-519)** (5 members)

Tabled - April 5, 2016, by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, February 25, 2016, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In Senate, March 1, 2016, Reports **READ**.)

Senator **WOODSOME** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#591)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-519) **READ**.

On motion by Senator **WOODSOME** of York, Senate Amendment "A" (S-376) to Committee Amendment "A" (H-519) **READ**.

On motion by Senator **CUSHING** of Penobscot, 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 (#592)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **ADOPT** Senate Amendment "A" (S-376) to Committee Amendment "A" (H-519) **PREVAILED**.

Committee Amendment "A" (H-519) as Amended by Senate Amendment "A" (S-376) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519) AS AMENDED BY SENATE AMENDMENT "A" (S-376)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/1/16) matter:

SENATE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Patient Safety in Maine's Medical Marijuana Program"
S.P. 256 L.D. 726

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-451)**

Tabled - April 1, 2016, by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 1, 2016, Report **READ**.)

On motion by Senator **CUSHING** of Penobscot, 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 (#593)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-451) **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 (4/1/16) matter:

Emergency Measure

Bill "An Act To Provide Access to Affordable Naloxone Hydrochloride for First Responders" (EMERGENCY)
H.P. 1054 L.D. 1547
(C "A" H-619)

Tabled - April 1, 2016, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT**, in **NON-CONCURRENCE**

(In Senate, March 31, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-619)**, in concurrence.)

(In House, March 31, 2016, **FAILED ENACTMENT**.)

Senate at Ease.

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

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/4/16) matter:

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin" (EMERGENCY)
S.P. 667 L.D. 1640

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-456)** (6 members)

Tabled - April 4, 2016, by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 4, 2016, Reports **READ**.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/4/16) matter:

Bill "An Act To Reduce Electric Rates for Maine Businesses"
S.P. 519 L.D. 1398
(C "A" S-422)

Tabled - April 4, 2016, by Senator **WOODSOME** of York

Pending - **ENACTMENT**, in concurrence

(In House, March 28, 2016, **PASSED TO BE ENACTED**.)

(In Senate, March 29, 2016, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 700), in concurrence.)

(In Senate, April 4, 2016, on motion by Senator **WOODSOME** of York, **RULES SUSPENDED, RECONSIDERED ENACTMENT**.)

On motion by Senator **WOODSOME** of York, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-422)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-422).

On further motion by same Senator, Senate Amendment "A" (S-471) to Committee Amendment "A" (S-422) **READ** and **ADOPTED**.

Committee Amendment "A" (S-422) as Amended by Senate Amendment "A" (S-471) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-422) AS AMENDED BY SENATE AMENDMENT "A" (S-471) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Encourage the Purchase of Products Made in Maine and in the United States and To Give Preference to Maine Businesses When Awarding Contracts"

S.P. 587 L.D. 1525

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-459)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-460)** (6 members)

Tabled - April 5, 2016, by Senator **WHITEMORE** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 5, 2016, Reports **READ**.)

Senator **WHITEMORE** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-460)** Report.

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

Senator **LIBBY**: Thank you very much, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion and I'll tell you why. I think we all know in our districts that there are manufacturers who have been suffering for many years, many decades in fact, with the competition of over-seas manufacturers and in my view it's high time that we start adopting policies here at the State level that public dollars, when they're used in major construction projects for public institutions, whether they're the State Government or the University System, that in those projects we should give strong preference to companies that are based in the United States, employing Americans, and companies that are based in the state of Maine and employing Mainers. I was very pleased when the sponsor brought this bill to our committee. It was a very robust bill that would have put some real teeth into the Buy Maine, Buy America movement and through the committee process we ended up with some competing measures. In my view the motion before us is a feel good measure and it's something that looks good on the roll call record but, in fact, doesn't change state policy in one substantial sense. In looking at this motion, I ask that we vote down the pending motion so we can look at a more substantial report that came out of the State and Local Government Committee. Thank you, Mr. President.

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

Senator **JOHNSON**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, oppose the pending motion and, in fact, not only does this report, that has been moved, not support in any way Maine jobs and Maine businesses, it's reference to impact on the economy doesn't make it clear that it even is expected to make a positive impact on Maine's economy.

It says, "Must include scoring criteria to evaluate a bidder's economic impact." I see nothing there that sets an expectation that it would have any positive influence on Maine's economy nor does it, in any way, in any of its language, address Maine jobs and Maine companies, Maine products. I ask you to join me in opposing the pending motion. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: 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 may not be 100% correct but it looks like it says, "Amend the bill by striking out the title and substituting the following: An Act to Include the Economic Impact on the State as a Factor Considered During the Evaluation of Competitively Bid Service Contracts Over \$100,000 in Printer Service or Contracts Over \$5,000." To me, the title on the board is "Encourage the Purchase of Products Made in Maine and in the United States." I think the title should be what's in the amendment on the bill because actually what we are late to the party on buying America and buying Maine. We had this bill last session and I think the bill went down in flames. I'm just a little bit confused on why it would come back, why it does almost nothing, and, basically, it's in name only. I mean, I do profess that we should buy American and buy Maine, but if we're going to have a bill that really the title doesn't even say to buy or purchase products in Maine or America what are we actually voting on, otherwise a political inference during a campaign season. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you, Mr. President. I request permission to ask a question.

THE PRESIDENT PRO TEMPORE: The Senator may pose her question.

Senator **HASKELL:** Thank you very much, Mr. President. For anybody in the Body who might be able to answer the question, ladies and gentlemen. Would Committee Amendment "B" preclude an out-of-country company from bidding on service or printing? Could we have a Canadian company or Norwegian company bid on printing or projects?

THE PRESIDENT PRO TEMPORE: The Senator from Cumberland, Senator Haskell poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you, Mr. President. I don't believe it precludes them. I think they would be in the rating system. I just hope that my printer in Farmington would have a chance.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is my bill, so if you want to be mad at somebody be mad at me. Very simply, it does a bit to help a company. It helps a company, that printing business in

Farmington, and it gives them an opportunity because they have, in fact, lost bids by small amounts to out-of-state vendors which didn't perform appropriately. That's why I put it in. Tried to put some other things into it, didn't quite get to where I wanted it to be, but that's why I'm voting for this. Thank you very much, Mr. President.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, posing a question also. I did not understand the good Senator's answer to how this helps the business in Farmington if it doesn't require it to be a Maine made product or even an American made product. I'm sorry, I missed the answer. I didn't understand it.

THE PRESIDENT PRO TEMPORE: Is that a direct question? The Senator from Knox, Senator Miramant poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you very much, Mr. President. I believe what it does is it provides them the opportunity to have equal footing so that all things considered they would get the bid.

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

Senator **JOHNSON:** Thank you, Mr. President. I would ask a question through the Chair to anyone in the Body who would care to answer. Is there any language in this amendment which replaces the entire bill, that establishes how there would be an equalized playing field for any business in this state?

THE PRESIDENT PRO TEMPORE: The Senator from Lincoln, Senator Johnson poses a question through the Chair to anyone who may wish to answer. The pending question before the Senate is the motion by the Senator from Somerset, Senator Whittemore to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (S-460) 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 (#594)

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

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

20 Senators having voted in the affirmative and 15 Senators
having voted in the negative, the motion by Senator
WHITTEMORE of Somerset to **ACCEPT** the Minority **OUGHT TO
PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-
460)** Report **PREVAILED**.

READ ONCE.

Committee Amendment "B" (S-460) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "B" (S-460)**.

Sent down 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 **CUSHING** of Penobscot, **ADJOURNED**
until Wednesday, April 6, 2016, at 10:00 in the morning.