

MAINE STATE LEGISLATURE

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

In Senate Chamber
Thursday
April 7, 2016

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

Prayer by Pastor Steve Prescott, The Rock Church in
Scarborough.

PASTOR PRESCOTT: Let us pray. Father God, thank You for this time to worship You today. You are the giver of life, wisdom, and love. Today we lift up Your work in this great state of Maine, or bring about Your work in the state, bring about Your purposes in our people. Lord, I pray that this state would be an influential state in our country, to lead our country in developing people of character, responsibility, and sincere love for others. Lord, I feel humble to be in the presence of so many great leaders that You have appointed as authorities in our state. I pray for them and their families, for their health, Lord, that they would have peace that comes from You. Encourage our Senators today, Lord, if they're making decisions. Encourage those that feel discouraged today. Let them know, Lord, that with You they are never alone. Give our government wisdom, Lord, to make wise decision that are based on Your principles, to have deep love for one another, that loves throughout differences in opinions or even party. Lord, let them love with the love that literally shatters the atmosphere of competition and fosters an environment of togetherness and unity. Lord, let us never forget the influence You have given us and the calling You have placed on each of our lives, to be world changers and to make this place a little bit more like heaven. As it happens, I pray that the character, wisdom, and care of those in this room would literally pour out into the city and throughout the state of Maine and into this country. Your kingdom come, Your will be done, on earth as it is in heaven. We pray these things in Jesus' name. Amen.

Pledge of Allegiance led by Senator Anne M. Haskell of
Cumberland County.

Reading of the Journal of Wednesday, April 6, 2016.

Doctor of the day, Amy Madden, M.D. of Rome.

Off Record Remarks

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Lindsey Preglovsk, of Oakland, a member of the women's swimming and diving team at Bates College, who has been named to the New England Small College Athletic Conference All-Academic Team for the 2015-2016 winter season for her athletic and academic standing. We extend our congratulations and best wishes to Ms. Preglovsk on her receiving this honor;
SLS 1119

Sponsored by Senator KATZ of Kennebec.
Cosponsored by Representatives: BECK of Waterville, NUTTING of Oakland.

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 always a pleasure to recognize people who are very good at what they do and I have just met the best swimmer I've ever met. Lindsey Preglovsk was just named the NESCAC Women's Athlete, or Swimmer, of the Year following her outstanding efforts at the Maine State meet. Lindsey's from Oakland. She helped Bates win the inaugural State Championship meet of the four Maine colleges in a dominating fashion. The Bobcats won all 18 events at that meet and Lindsey was responsible, in whole or part, for seven of them. She won the 100 fly in a national B cut time of 56.59 seconds. For those of you who don't know, that's about one-third of the time it would take any of us to do that. She was also first place in the 200 fly in 2:07, another B cut time. Lindsey's also had a role in all four of Bates first place relay teams, 200 - 400 free, and the 200 - 400 medley relays. She's here today with her parents and her coach and it's my honor to recognize them, Mr. President. Thank you very much.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Lindsey, Frank, Elizabeth Preglovsk, along with Gregory Keller, and Peter Casares of Oakland. They are the guests today of the Senator from Kennebec, Senator Katz. Would the guests please rise and accept the greetings of the Senate.

The Old Town High School Football Team, of Old Town, which went undefeated in its 2015 season. The team won all 8 of its regular season games to record the first undefeated season in the school's more than 100 years of football history. The team was ranked first in Class C North and went on to be runner-up in the Class C North postseason. We extend to all the members of the team our congratulations on their undefeated season, and we offer them our best wishes;

SLS 1120

Sponsored by Senator DILL of Penobscot.
Cosponsored by Representative: DUNPHY of Old Town.

READ.

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

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to say a couple of words about the team. First off, as mentioned, it's been over 100 years. The earliest I could find any mention of football in Old Town was 1896 and at that time it appears it might have been a club sport. In 1916 they played their first season of organized high school football. This year is the 100th Anniversary of Old Town High School football and it's very fitting that they had an undefeated season. The only thing that I would add, I had two sons who played for Old Town High School and I think you could add up all the wins while they played and it probably wouldn't come out to the undefeated season that they've had, so certainly Old Town has had its ups and downs as far as football history goes. The other thing that I'd just like to mention while I have the floor, also up in the gallery is the Old Town cheerleaders and they won the Class B State Title. I'd like to recognize them also. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the balcony today members of the Old Town High School football team as well as the cheerleaders. Would they please rise and accept the greetings of the Senate.

Hodgdon Vessels, of East Boothbay, on its 200th Anniversary as one of America's oldest boatbuilders. Established in 1816 during the era of clipper ships, Hodgdon Vessels has evolved into a leader of advanced composite construction while maintaining exceptional skills for world class traditional and modern interiors. The company has changed over the past 200 years from a sawmill and gristmill that produced wooden schooners to its modern incarnation, which produced the high-tech composite boat Comanche, the winner of the Rolex Sydney Hobart Yacht Race 2015 in Australia. By innovating with the times, the company has been expanded to include 6 divisions, with locations in Maine, Rhode Island and Monaco. We extend our congratulations to Hodgdon Vessels on this anniversary and send our best wishes for continued success;

SLS 1121

Sponsored by Senator JOHNSON of Lincoln.
Cosponsored by Representative: HAWKE of Boothbay Harbor.

READ.

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's with great pleasure that I rise today to talk about a part of Maine's world renowned boat building craftsmanship and tradition in recognizing Hodgdon's 200 year anniversary. When you think about that, that means that they've been in business longer than Maine has been a state. Established in 1816 during the era of clipper ships, Hodgdon is America's oldest boat builder. Still family owned with headquarters in East Boothbay, that company has evolved into a leader in advanced composite construction while maintaining exceptional skills for world class traditional and modern interiors. The company has delivered over 420 private, commercial, and military vessels. I'd like to share a few of those noteworthy builds with you. The Artic explorer Bowdoin in 1921. Sub chasers and mine sweepers for the U.S. Navy during both WWI and WWII. The 124' Bruce King designed sloop Antonisa. The 154' Bruce King designed ketch Scheherazade, which at the time of launch was the largest cold molded sailing yacht ever built. The 83' Mako, an all carbon-fiber patrol boat, which served as a technology demonstrator for the U.S. Office of Naval Research and U.S. Special Operations Command. A pair of 24 meter triple engine advanced composite express motor yachts. The one that I find most intriguing, in this modern day we have videos that have been shared with school children all around Maine and the world showing what it is capable of, the 100' supermaxi Comanche that broke the 24 hour speed record for a monohull sailing vessel in 2015, covering 618.01 nautical miles in that 24 hour period. Comanche was built in the largest marine oven in the United States right here in East Boothbay. Hodgdon is one of the world's premier suppliers of Superyacht Tenders for large luxury motor yachts as well. The company employs about 100 people with locations in Maine, Newport, and Monaco. It received numerous awards, including the ShowBoat International Tender Design Award, the ShowBoat International Award for best sailing yacht 38 meters and under, the Governor's Award for Business Excellence, the Finance Authority of Maine Business at Work for Maine Award, and the Maine International Trade Center Innovator of the Year Award. The company's divisions include Hodgdon Yachts, specializing in custom sail and power yacht construction up to 60 meters; Hodgdon Custom Tenders, building some of the highest quality superyacht tenders afloat; Hodgdon Interiors, building high-end superyacht interiors up to 80 meters. I would note, I've seen some of the craftsmanship, fine woodworking in these and they excel at both the innovative technology and the ancient crafts as well. Hodgdon Yacht Services, devoted to service, refits, storage, and dockage; and Hodgdon Defense Composites, building specialized defense craft. There is one more thing that deserves note, Hodgdon, although they are older than the state of Maine, has innovated and adapted with changing technology and changing times, developing a loyal workforce of skilled laborers that have evolved from wooden frame and board boats to world record holding advance designs utilizing advanced composite materials. They are doing it right here in Maine, where boat building remains a strong tradition recognized around the

world. Please join me in saying thank you to Hodgdon, America's oldest boat builder, for the innovative leadership and extending our congratulations as they celebrate their 200th year milestone. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, just to add to that rather extraordinary tradition that Hodgdon has, I'd wish to say simply that when I was young I had an old, and very leaky, wooden boat. The balustrade broke. I had no money at all. I went into Hodgdon and within six hours they helped me get my boat back to going. They were very kind. They take care of the big boys and they also take care of regular people here in Maine. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the back of the Chamber Timothy Hodgdon, Cathy Hodgdon, Audrey Hodgdon, and Sandy Spaulding. Would they please rise and accept the greetings of the Maine Senate.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

HELD MATTER

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Enhance the Administration of the Child and Adult Care Food Program by Creating Clear Guidelines for Organizations and Streamlining the Application Process

S.P. 570 L.D. 1472

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-411)** (8 members)

Minority - **Ought Not to Pass** (5 members)

(Senate, April 6, 2016, on motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.)

On motion by Senator **CYRWAY** of Kennebec, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Minority **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 PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you, Mr. President. I want to thank the good Senator from Kennebec for backing this up. L.D. 1472, which we are looking at right now, again looks at how we get nutritious food to young children and the elderly. There are sites all across the state of Maine that are eligible that can't apply or have a very difficult time applying because of the 40 page application that is only a paper application. This bill is a very straight forward bill. It would just ensure that the Department of Health and Human Services takes this application, puts it on-line, makes it interactive so that sites across the state, whether you're in a daycare site, whether you're an adult daycare site, whether you are a school, if you are an eligible site you can apply. The requirements and eligibility do not change at all. Right now this program is being greatly underutilized. Why? It's because of the application. I really encourage the Body to reject the Ought Not to Pass motion so we can get to the Ought to Pass motion. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept of 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 (#620)

YEAS: Senators: BRAKEY, BURNS, CUSHING, DAVIS, EDGEComb, MASON, MCCORMICK, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BAKER, BREEN, COLLINS, CYRWAY, DESCHAMBAULT, DIAMOND, DILL, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WOODSOME

9 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

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

Senate at Ease.

Senate called to order by the President.

ORDERS

Senate Resolution

On motion by Senator **BURNS** of Washington, the following Senate Resolution:

S.R. 1

RESOLUTION

REAFFIRMING "IN GOD WE TRUST" AS THE OFFICIAL MOTTO OF THE UNITED STATES AND SUPPORTING AND ENCOURAGING ITS DISPLAY IN HOMES AND HOUSES OF WORSHIP AND IN ALL PUBLIC BUILDINGS, PUBLIC SCHOOLS AND OTHER GOVERNMENT INSTITUTIONS

WHEREAS, "In God We Trust" is the official motto of the United States; and

WHEREAS, in 2011, by resolution of the United States House of Representatives, with the concurrence of the United States Senate, the United States Congress reaffirmed "In God We Trust" as the official motto of the United States and supported and encouraged the public display of the national motto in all public buildings, public schools and other government institutions; and

WHEREAS, July 30, 2016 is the 60th anniversary of the adoption of "In God We Trust"; and

WHEREAS, the sentiment, "In God We Trust," has been an integral part of United States society since its founding; and

WHEREAS, the national anthem of the United States says "praise the power that hath made and preserved us a nation . . . and this be our motto: in God is our trust"; and

WHEREAS, "In God We Trust" appears over the south entrance to the United States Senate Chamber and above the Speaker's rostrum in the Chamber of the United States House of Representatives; and

WHEREAS, the oath taken by all federal employees except the President states "I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God"; and

WHEREAS, the Preamble of the Constitution of Maine states: "We the people of Maine, . . . acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring God's aid and direction in its accomplishment . . ."; and

WHEREAS, all individuals have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences; now, therefore, be it

RESOLVED: That We, the Members of the Senate of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, reaffirm "In God We Trust" as the official motto of the United States and support and encourage awareness of and the public display of the national motto in homes and houses of worship and in all public buildings, public schools and other government institutions.

READ.

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

Senator **BURNS**: Thank you, Mr. President. Ladies and gentlemen of the Senate, it's with great pride and honor that I bring this Resolution forward. It's for some, apparently, it's a controversial Resolution. To me it's anything but a controversial Resolution. Neither is it controversial to our U.S. Supreme Court. I'll be very brief with my remarks, but I just want to reiterate a couple of things that were just mentioned. First and foremost, In God We Trust is the motto of the United States of America. Secondly, July 30th we celebrate, here in this country, the 60th anniversary of that being the case. Again, a couple of points that I just want to reiterate, in particular, the U.S. Supreme Court in *Allegheny*, Justice Blackmun writing for the court and joined by Justice Marshall, Brennan, Stevens, and O'Connor, referred directly to the constitutionality of the national motto. The four other Justices in *Allegheny*, Chief Justice Rehnquist, Justice Kennedy, White, and Scalia, explained that striking down traditions like the national motto would be a disturbing departure from the court's cases upholding the constitutionality of government practices, recognizing the nation's religious history. The court also said when considering the use of religious references, including the national motto, the Supreme Court and individual Justices have consistently and equivalently determined that those references be constitutional. No member of the court, past or current, has suggested otherwise. Once again, Mr. President, I'm very honored to be able to present this Resolution. Thank you for your time.

On motion by Senator **BURNS** of Washington, **ADOPTED**.

Sent down for concurrence.

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

The President retired from the Chamber.

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

Senate at Ease.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Lower Energy Costs and Increase Access to Solar Energy for Agricultural Businesses"
S.P. 376 L.D. 1073

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

Signed:

Senators:

WOODSOME of York
HILL of York
MASON of Androscoggin

Representatives:

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
WADSWORTH of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-476)**.

Signed:

Representative:

RYKERSON of Kittery

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Integrity of Maine's Welfare Programs"

S.P. 384 L.D. 1097

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-481)**.

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
PETERSON of Rumford
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-482)**.

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea
VACHON of Scarborough

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-482)** 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, Mr. President. Men and women of the Senate, I rise as the sponsor of this legislation and ask for your consideration of the following. I think that, as a Body and as two political parties, we have come a long way in terms of finding agreement and a middle ground on this very difficult issue. I feel Maine people expect us to evaluate our social welfare system with the same degree of certainty as we evaluate the State budget, the same degree of scrutiny that we evaluate tax expenditures. Over the years this particular issue has divided our parties and, I think, at this time, in this session, we are closer than we've ever been, and I'm exceptionally proud of that fact. Before us we have the Minority Report of the committee, which is very similar to the bill that I introduced last year, and it seeks to prohibit the purchase of items that we all know do not help Maine families get themselves out of poverty. Beyond that, this report extends a ban on purchases with an EBT card outside of the state

of Maine, with the exception of the state of New Hampshire. Finally, this bill provides that an additional fraud investigator in the Maine Attorney General's Office will be funded. I think these are all the right steps, moving in the right direction. However, we may have some disagreement on one portion, which is the penalty structure for individuals who violate this new prohibition. The two reports are close but not quite in the same place on those penalties. The Minority Report seeks to institute a fairly stiff penalty for violating the provisions of this law, were it to be enacted. As an example, if an individual were to purchase an item that was on the prohibited list, such as a package of cigarettes that cost today about \$7, under this bill, were it to be enacted, that expenditure is prohibited. The individual who purchases that pack of cigarettes would face a pretty stiff penalty. Under this report the penalty would be a one year prohibition from participating in the program. If you take one year of not being able to access TANF benefits at the average TANF benefit that's about \$4,800. Quite frankly, a person who is purchasing a pack of cigarettes with a TANF card would see a \$4,800 penalty and that person would actually be better off stealing that package of cigarettes rather than paying for it because the penalties are much softer. I think that's a concern that I have with this report and beyond that I think there are areas where we can continue to have conversations to get closer to unanimity and finally enact some sensible, pragmatic welfare reforms that all of our constituents have asked us to support. We are very close and we need to continue working to finish the deal. With that, Mr. President, I thank you for the time.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today in support of the Republican report on L.D. 1097, An Act to Improve the Integrity of Maine's Welfare Programs. This report does three simple things. First, it finally puts into law something Maine people have been demanding for years, a prohibition on abusive purchases with welfare dollars. We would finally be saying no to purchases with Maine taxpayer dollars of alcohol, cigarettes, lottery tickets, adult entertainment, and several other items that welfare should never have been eligible to pay for in the first place. My colleague, the other Senator from Androscoggin County, questions the penalties, the strength of the penalties. I would just note that these are the penalties that are in place for all intentional violations of welfare programs. In fact, these are the penalties that would have been in place if his bill, as written, would have gone forward. This is actually very consistent with what his initial legislative proposal does. While some may prefer a warning and a slap on the hand, it is important to remember that these are the penalties that are in place for all intentional welfare program violations. We should note that it must be proven that the purchases are made with full knowledge and intent. That's something the department must prove. We should keep in mind when someone makes a purchase, a fraudulent purchase, with an EBT card there's not a red light that goes off at the Department of Health and Human Services where they say, "Ah, we got someone." No, the department has no record of what purchases are made. What they have is a record of where a purchase is made, the time it was made, the amount. They don't get to see an itemized receipt where it was cigarettes or alcohol. They have to do investigational work to actually confirm that. Often times someone reports it to them and they have to consult security

footage. Even in those cases they only move forward when they can prove that it was intentionally done and usually in a pretty significant amount. Usually intent can be proved by the fact that this is a repeat, multiple occasion affair. We should remember that there is a significant appeal process with the department for any of the services, for any suspension of services. It's not a decision that the department makes and then it's done. No, there's a significant process that happens and an opportunity for appeal if someone's benefits have been suspended because it has been found that they have intentionally violated the welfare program.

Second, this Republican report would also put geographic restriction on Maine EBT cards, limiting the use of Maine EBT cards to only Maine and New Hampshire. According to DHHS records, between 2012 and 2014 cash welfare users from Maine have spent \$2.8 million outside the state. Maine EBT cards have been used in all 50 states and in several U.S. Territories. Measured by transactions, Maine EBT cards have been used 2,918 times in Massachusetts and 1,252 in Florida during that same time period. Analysis of out-of-state TANF transactions reveals use patterns suggesting that in many instances welfare cash is used in ways not likely to achieve the program's goal of encouraging a return to the workforce. For example, on August 1, 2011 one or more EBT cards were used within a three minute timeframe to access nearly \$500 in welfare cash at an ATM in Lake Buena Vista, Florida. That particular ATM happens to be located almost on top of the campus of Disney World Resorts. On March 1, 2011, at 3:20 a.m., a Maine EBT card holder accessed an ATM in Cape Canaveral, Florida, twice withdrawing \$400. The address of the ATM corresponds with Ron Jon Caribbean Resort. Additional sunshine state transactions occur at the Kennedy Space Center in Orlando, the Family Fun Center in Lakeland, and at North Miami Beach, Miami Beach, Vero Beach, Ormond Beach, and Daytona Beach, all hot spots for Mainers on vacation. Spending data from states also suggest that cash welfare is being used to supplement a vacationing family's budget. Welfare cash recipients have, for example, spent \$3,437 in Las Vegas and in October 2013 Maine welfare cash was withdrawn from the Four Seasons Resort Aviara in California. Maine welfare cash has also found its way into Hawaii, Puerto Rico, and U.S. Virgin Islands. According to the data, four transactions occurred in Hawaii in 2011 and 2012, including \$300 ATM withdrawals, unfortunately I can't pronounce this Hawaii Island's name, and a \$140 cash withdrawal in Honolulu. In Puerto Rico, Maine EBT cards have been used to access more than \$3,400 in welfare cash in several cities there. Welfare cash has also been spent in the Virgin Islands, in the city of St. John. I could go on. Although no one can know for sure how much of this cash has been spent or obtained illegally, the volume of cash flowing to popular vacation destinations suggests an abuse of the program. At the minimum, out-of-state spending in places like Florida, Hawaii, California, and Las Vegas suggest some cash welfare recipients are not using their taxpayer funded benefits to help return to work. This Republican report would limit purchases with Maine EBT cards to Maine and New Hampshire.

Finally, this report would also authorize a hiring of one additional fraud investigator under the Attorney General. That's the three things this does: prohibits purchases that shouldn't be made with welfare dollars; limits it to Maine and New Hampshire; and hires an additional fraud investigator in the Attorney General's Office to adequately police that. With that, Mr. President, I will conclude and I hope that this Chamber will stand

up for welfare reform, stand up for accountability, and pass the Republican report. Thank you very much.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I'd just like to mention that none of the items, or none of the locations, are illegal. We don't have a law that says you can't buy lottery tickets. We don't have a law that says you can't buy tobacco. We don't have a law that says you can't spend this if you happen to travel outside of the state for the same reasons that you and I might. Maybe to care for a sick relative, I don't know how many of them are in Disneyland, there certainly could be people who were in Florida. They travel to go to a funeral. Maybe a job possibility. Maybe stand up at a family wedding. Until you understand and are able to identify that, I think that those numbers are misleading, at best. Ninety-eight percent of TANF transactions are in Maine. Only one-half of one percent are made outside of New England. I would just caution people when they're talking about this, until we get a law in place, and I'd like to see us get to that, I think we need to be careful about this out-of-state piece because there is potential for a constitutional challenge here on the right to travel and the burden on interstate commerce. Those things are real. Those things have been brought in other states. I believe that we would be at risk of those and most likely litigation would follow. I think we need to be cautious as we are moving forward with this. I agree that we should move forward and create some structure around this so that there are laws which say this is illegal and you cannot do it. I'd like to see us move forward. I don't believe this report is the appropriate vehicle and would urge you to vote in opposition. Thank you.

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, I'd just pose a question through the Chair.

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

Senator **MIRAMANT:** Thank you, Mr. President. It seems that, from what I heard, both reports accomplish the same thing and the only difference is that, in trying to educate someone who makes a mistake, one does education and forces repayment of the item; the other starts with a year suspension of their benefits. Is that correct?

THE PRESIDENT PRO TEMPORE: 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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. Since we have just the Minority Report before us I'm not sure I can speak to what any other report does, but I can say this report does just what I said it does. It has prohibitions in place with penalties that are real penalties. It has geographic restrictions, which obviously we've heard some members, who may be on a different report, object

to. It hires an additional person under the Attorney General's Office to help prosecute welfare fraud.

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

Senator **JOHNSON:** Thank you, Mr. President. I am concerned with what the penalties in this report are going to do to families. I don't think anybody in this Chamber is in disagreement about whether the items being prohibited here should be prohibited. In fact, it would be a great idea if instead of what this report is looking to do as a consequence we were to simply disallow such sales because these are prohibited items. I want to take a moment to separate the concept of fraud from the concept of prohibition. It is said that for all other penalties regarding violations of the law for TANF that the loss of it for a year, the \$4,800 average, impact on a family, is the penalty. Those are violations for fraud not prohibition. People who are misrepresenting their qualifications, the family circumstance, any of those sorts of things, those are fraudulent. Fraud is defined as a deliberate deception to secure unfair or unlawful gain. Here we're talking about unwise purchases that do not achieve the intended aims of this program. These are prohibitions. I would advise that there's a difference between educating and reforming people who are acting unwisely and purchasing prohibited items, which we do need to deal with and which the other report as well deals with, and taking away the money that's going to put a roof over the head, food on the table, gas in the family vehicle to get to work. This is visiting the sins of the father, or the mother in this case depending, upon the children because when that much money is lost in a family it will impact the children. Reforming those practices under these prohibitions, something we can get to if we reject this report, is far better to achieve the aims of this program, which is to make sure that the children have the opportunity to be brought up in a household that adequately supports them. I think that we should be working hard to get rid of this report which does visit the sins upon the children and go to another report that will deal with this prohibition appropriately. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to make a comment and I'd like to pose a parliamentary inquiry, if I could. My comment is that I'm concerned that those of us who agree, I think probably unanimously, that there should be penalties for the misuse of these monies. I looked at the list and I think they're pretty close. My concern is if we vote against this report, Mr. President, it gives the appearance that we don't want those restrictions and don't support them, especially where three times I heard the good Senator from Androscoggin, Senator Brakey, refer to it as the Republican report. I've never heard that before. It's always been the Minority and Majority. With that, Mr. President, I pose an inquiry. That is, would it be appropriate if I said that Report "A", the Majority Report, did include all of those items of misuse in spending and other supports as well?

THE PRESIDENT PRO TEMPORE: The Chair would respond that we would have to know what is in the next committee amendment and that is not before us.

Senator **DIAMOND**: I shouldn't say it has all the list, the lists are similar.

THE PRESIDENT PRO TEMPORE: Probably not.

Senator **DIAMOND**: Thank you, Mr. President.

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

Senator **CUSHING**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today in support of the report. I appreciate the concern that many in this Chamber have for a representation of members of the Body, that they would be opposed to this. I think, Mr. President, we must reflect on the fact that this is not the first time that this issue has been before us. It's been before us and it's been voted on clearly in the past and I think, Mr. President, it's time now to get to the real crux of the issue as to whether we are going to address this problem. I fully appreciate that members of this Body feel passionately that we should not punish people who are in difficult situations and I would support that concept. The concern I have is that we are now facing the reality, with data before us, that there have been abuses and I think we have to respect the fact that the agency that diligently has worked for many years to take care of Maine's vulnerable citizens and create a safety net is now trying to cut down the hammock for those who are using this in a way that is inappropriate and I think it would be appropriate for us to move forward with the report before us. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (S-482) 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 (#621)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-482)** Report **PREVAILED**.

READ ONCE.

Committee Amendment "B" (S-482) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-482)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure the Safety of Home Birth"

S.P. 248 L.D. 690

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-484)**.

Signed:

Senator:

VOLK of Cumberland

Representatives:

HERBIG of Belfast

AUSTIN of Gray

CAMPBELL of Newfield

FECTEAU of Biddeford

GILBERT of Jay

MASTRACCIO of Sanford

STETKIS of Canaan

WARD of Dedham

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

Signed:

Senator:

CUSHING of Penobscot

Representative:

LOCKMAN of Amherst

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **VOLK**: Thank you, Mr. President. Just very briefly, this bill is the result of some people that I really want to give full credit to. Some of you who've been here longer than I might recall that in 2007-2008 there was a bill that was going to license midwives. The midwives themselves were very, very divided and the medical community was very much opposed. This time around, however, due to some changes nationally and some educational standards that have been sort of accepted on the national scale and also in addition to some concerns that the medical community has regarding the increased number of home births, 67% increase in Maine in the last ten years, and the fact that there have been some concerns for child and maternal safety because of some bad outcomes in a few of those births, the midwives themselves recognized that they would like, in fact, to be licensed and have those licenses be the standard for professional midwives and certified midwives in the state of Maine. They go together, they actually acquired some grant funding, and worked together over a matter of more than a year to come together with stakeholders to overcome some really, really complicated issues concerning scope of practice, concerning high risk pregnancies, concerning hospital transfers, medications that they would be allowed to have on them and use at these births, potentially, when they have issues. Again, again, and again they came back to the table. Nurses, doctors, midwives, hospitals, all sorts of stakeholders, pharmacists even, were involved in this process. It's exactly the kind of thing that we, as legislators, ask for. For that reason I would ask you to support this, to honor the process that this bill has taken, and I would request that you support it. Thank you.

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

Divided Report

Six members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Appointment Process"

S.P. 690 L.D. 1681

Reported in Report "**A**" that the same **Ought to Pass**.

Signed:

Senators:

WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:

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

Six members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-474)**.

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta

One member of the same Committee on the same subject reported in Report "**C**" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-475)**.

Signed:

Representative:

EVANGELOS of Friendship

Reports **READ**.

On motion by Senator **WHITTEMORE** of Somerset, Report "**C**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-475) ACCEPTED**.

READ ONCE.

Committee Amendment "B" (S-475) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-475)**.

Sent down for concurrence.

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

ORDERS OF THE DAY

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

Resolve, To Enhance the Administration of the Child and Adult Care Food Program by Creating Clear Guidelines for Organizations and Streamlining the Application Process
S.P. 570 L.D. 1472

Tabled - April 7, 2016, by Senator **CUSHING** of Penobscot

Pending - **FIRST READING**

(In Senate, April 6, 2016, on motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.)

(In Senate, April 7, 2016, On motion by Senator **CYRWAY** of Kennebec, **RECONSIDERED ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report. The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-411)** Report **ACCEPTED**.)

READ ONCE.

Committee Amendment "A" (S-411) **READ** and **ADOPTED**.

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

On motion by Senator **ALFOND** of Cumberland, Senate Amendment "A" (S-445) **READ**.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I will take one or two seconds just to say that all this does is put in a date certain by which this on-line, streamline website should be done, which is August 1, 2017, which gives them plenty of time, the department. I have talked it over and this is something that they can do. Thank you, Mr. President.

On motion by Senator **ALFOND** of Cumberland, Senate Amendment "A" (S-445) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-411) AND SENATE AMENDMENT "A" (S-445).

Sent down for concurrence.

On motion by Senator **COLLINS** of York, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

Resolve, To Improve the Safety of Ferries in the State
S.P. 566 L.D. 1468
(C "A" S-374)

Placed on the Special Highway Table - March 15, 2016, by Senator **COLLINS** of York

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 9, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-374)**, in concurrence.)

(In House, March 10, 2016, **FINALLY PASSED**.)

On further motion by same Senator, 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-374)**.

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-374).

On further motion by same Senator, Senate Amendment "A" (S-483) to Committee Amendment "A" (S-374) **READ**.

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, our ferry service going off the coast of Maine to the islands. Quite often island residents require samples of blood and so on and so forth to be tested back on the mainland and the transportation of those specimens, or samples, is very important to be isolated and protected from contamination. It was brought to our attention by the good Senator Miramant that these lockboxes for securing these samples was necessary on the ferries. This is the result of that. I encourage your passage of this. Thank you.

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, thank you to Senator Collins and the members of the Transportation Committee. This went through unanimously at every phase because the islanders came over and represented their interests and we just had generally good support for the folks. They are a very serious group about trying to make island life work with a minimum of inconvenience, knowing that everything inconvenience built into it but that they sustains communities that are very vibrant, that many of us participate in during the summer, and it's not just for folks from away, although they really enjoy it too, but the day to day life stuff that had been going on, some changes were made, some issues identified about what are the most modern maritime practices for staffing, training, just to make the ferries as good as they possibly can be and everybody saw that at every step and I really appreciate the work. Those are the bills that I've enjoyed the most, working together without consideration of party or anything. We just make the idea work for the people that it needs to work for and this was another example of that. I'm really proud to have worked with the group that I did, from the committee to the islanders who came over and gave up their day and didn't get home in many cases because of the ferry schedule and they couldn't. Thank you to everyone, I appreciate the support.

On motion by Senator **COLLINS** of York, Senate Amendment "A" (S-483) to Committee Amendment "A" (S-374) **ADOPTED**.

Committee Amendment "A" (S-374) as Amended by Senate Amendment "A" (S-483) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-374) AS AMENDED BY SENATE AMENDMENT "A" (S-483) thereto, in **NON-CONCURRENCE**.

Ordered 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.

RECESSED until 3:00 in the afternoon.

After Recess

Senate called to order by the President.

Senator **ROSEN** of Hancock 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 Today Assigned matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure the Safety of Home Birth"
S.P. 248 L.D. 690

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-484)** (9 members)

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

Tabled - April 7, 2016, by Senator **CUSHING** of Penobscot

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

(In Senate, April 7, 2016, Reports **READ**.)

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

Senator **PATRICK:** Thank you, Mr. President. Would it be proper at this time to offer a few words?

THE PRESIDENT: The Senator may proceed.

Senator **PATRICK:** Thank you very much, Mr. President. I, too, as Senator Volk did, want to thank the people involved with this bill. I will say that, as Chair of Labor in the 126th, I actually put a lead out to the different parties letting them know that, as a

maintenance mechanic, making laws dealing with medical factions and dental factions isn't always a good idea and I had actually asked the entities at one time to go out and see if they could come with a compromise together and I am very thankful that they took it upon themselves and I will say I'm pretty sure they must have had at least 30 meetings on this bill and I will say that Gordon Smith was one of the participants of the bill that I'd like to just recognize personally, as well as everyone else. I don't have all their names but they got together, really worked out something that was workable, and to spend as much time making sure the T's are crossed and the I's are dotted was exceptional and it was just amazing to see the groups that were involved with this bill to come out with a product that might not be 100% perfect, but it is a real good bill and I know that we can do some good things for the home births and I just wanted to once again thank them as well because from my standpoint it was a job well done by everyone involved. Thank you, Mr. President.

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

READ ONCE.

Committee Amendment "A" (S-484) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 957

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

April 6, 2016

The 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 have appointed Senator Susan Deschambault to serve on the Joint Standing Committee on Inland Fisheries and Wildlife. She will replace Senator Stan Gerzofsky.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

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

ORDERS**Joint Resolution**

On motion by Senator **MASON** of Androscoggin, under unanimous consent on behalf of Senator **CUSHING** of Penobscot, (Cosponsored by Senators: **ALFOND** of Cumberland, **BAKER** of Sagadahoc, **BRAKEY** of Androscoggin, **BURNS** of Washington, **COLLINS** of York, **CYRWAY** of Kennebec, **DAVIS** of Piscataquis, **DESCHAMBAULT** of York, **DIAMOND** of Cumberland, **DILL** of Penobscot, **EDGEComb** of Aroostook, **GERZOFsky** of Cumberland, **HAMPER** of Oxford, **HILL** of York, **JOHNSON** of Lincoln, **KATZ** of Kennebec, **LANGLEY** of Hancock, **LIBBY** of Androscoggin, **MASON** of Androscoggin, **McCORMICK** of Kennebec, **MILLETT** of Cumberland, **MIRAMANT** of Knox, **PATRICK** of Oxford, **ROSEN** of Hancock, **SAVIELLO** of Franklin, President **THIBODEAU** of Waldo, **VOLK** of Cumberland, **WHITEMORE** of Somerset, **WILLETTE** of Aroostook, **WOODSOME** of York, Representatives: **ALLEY** of Beals, **AUSTIN** of Gray, **BABBIDGE** of Kennebunk, **BATES** of Westbrook, **BATTLE** of South Portland, **BEAR** of the Houlton Band of Maliseet Indians, **BEAVERS** of South Berwick, **BECK** of Waterville, **BEEBE-CENTER** of Rockland, **BICKFORD** of Auburn, **BLACK** of Wilton, **BLUME** of York, **BROOKS** of Lewiston, **BRYANT** of Windham, **BUCKLAND** of Farmington, **BURSTEIN** of Lincolnville, **CAMPBELL** of Newfield, **CAMPBELL** of Orrington, **CHACE** of Durham, **CHAPMAN** of Brooksville, **CHENETTE** of Saco, **CHIPMAN** of Portland, **COOPER** of Yarmouth, **COREY** of Windham, **CRAFTS** of Lisbon, **DANA** of the Passamaquoddy Tribe, **DAUGHTRY** of Brunswick, **DAVITT** of Hampden, **DeCHANT** of Bath, **DEVIN** of Newcastle, **DILLINGHAM** of Oxford, **DION** of Portland, **DOORE** of Augusta, **DUCHESNE** of Hudson, **DUNPHY** of Embden, **DUNPHY** of Old Town, **EDGEComb** of Fort Fairfield, **ESPLING** of New Gloucester, **EVANGELOS** of Friendship, Speaker **EVES** of North Berwick, **FARNSWORTH** of Portland, **FARRIN** of Norridgewock, **FECTEAU** of Biddeford, **FOLEY** of Wells, **FOWLE** of Vassalboro, **FREDETTE** of Newport, **FREY** of Bangor, **GATTINE** of Westbrook, **GERRISH** of Lebanon, **GIDEON** of Freeport, **GILBERT** of Jay, **GILLWAY** of Searsport, **GINZLER** of Bridgton, **GOLDEN** of Lewiston, **GOODE** of Bangor, **GRANT** of Gardiner, **GREENWOOD** of Wales, **GROHMAN** of Biddeford, **GUERIN** of Glenburn, **HAMANN** of South Portland, **HANINGTON** of Lincoln, **HANLEY** of Pittston, **HARLOW** of Portland, **HARRINGTON** of Sanford, **HAWKE** of Boothbay Harbor, **HEAD** of Bethel, **HERBIG** of Belfast, **HERRICK** of Paris, **HICKMAN** of Winthrop, **HIGGINS** of Dover-Foxcroft, **HILLIARD** of Belgrade, **HOBART** of Bowdoinham, **HOBBINS** of Saco, **HOGAN** of Old Orchard Beach, **HUBBELL** of Bar Harbor, **HYMANSON** of York, **JORGENSEN** of Portland, **KINNEY** of Limington, **KINNEY** of Knox, **KORNFELD** of Bangor, **KRUGER** of Thomaston, **KUMIEGA** of Deer Isle, **LAJOIE** of Lewiston, **LOCKMAN** of Amherst, **LONG** of Sherman, **LONGSTAFF** of Waterville, **LUCHINI** of Ellsworth, **LYFORD** of Eddington, **MAKER** of Calais, **MALABY** of Hancock, **MAREAN** of Hollis, **MARTIN** of Eagle Lake, **MARTIN** of Sinclair, **MASTRACCIO** of Sanford, **McCABE** of

Skowhegan, **McCLELLAN** of Raymond, **McCREIGHT** of Harpswell, **McELWEE** of Caribou, **McLEAN** of Gorham, **MELARAGNO** of Auburn, **MITCHELL** of the Penobscot Nation, **MONAGHAN** of Cape Elizabeth, **MOONEN** of Portland, **MORRISON** of South Portland, **NADEAU** of Winslow, **NUTTING** of Oakland, **O'CONNOR** of Berwick, **ORDWAY** of Standish, **PARRY** of Arundel, **PETERSON** of Rumford, **PICCHIOTTI** of Fairfield, **PICKETT** of Dixfield, **PIERCE** of Dresden, **PIERCE** of Falmouth, **POULIOT** of Augusta, **POWERS** of Naples, **PRESCOTT** of Waterboro, **REED** of Carmel, **ROTUNDO** of Lewiston, **RUSSELL** of Portland, **RYKERSON** of Kittery, **SANBORN** of Gorham, **SANDERSON** of Chelsea, **SAUCIER** of Presque Isle, **SAWICKI** of Auburn, **SCHNECK** of Bangor, **SEAVEY** of Kennebunkport, **SHERMAN** of Hodgdon, **SHORT** of Pittsfield, **SIROCKI** of Scarborough, **SKOLFIELD** of Weld, **STANLEY** of Medway, **STEARNS** of Guilford, **STETKIS** of Canaan, **STUCKEY** of Portland, **SUKEFORTH** of Appleton, **TEPLER** of Topsham, **THERIAULT** of China, **TIMBERLAKE** of Turner, **TIMMONS** of Cumberland, **TIPPING-SPITZ** of Orono, **TUCKER** of Brunswick, **TUELL** of East Machias, **TURNER** of Burlington, **VACHON** of Scarborough, **VEROW** of Brewer, **WADSWORTH** of Hiram, **WALLACE** of Dexter, **WARD** of Dedham, **WARREN** of Hallowell, **WELSH** of Rockport, **WHITE** of Washburn, **WINSOR** of Norway, **WOOD** of Greene), the following Joint Resolution:

S.P. 702

JOINT RESOLUTION

TO REAFFIRM THE FRIENDSHIP BETWEEN MAINE AND TAIWAN AND TO COMMEND TAIWAN'S ACHIEVEMENT ON THE ELECTION OF ITS NEW PRESIDENT, TO ENHANCE BILATERAL TRADE RELATIONS AND TO SUPPORT TAIWAN IN THE INTERNATIONAL COMMUNITY

WHEREAS, the United States and Taiwan, the Republic of China, share a most important relationship supported by our common values of freedom, democracy, rule of law and a free market economy; and

WHEREAS, Taiwan's President Ma Ying-jeou has worked tirelessly to uphold democratic principles in his nation, ensure the prosperity of Taiwan's 23,000,000 people, promote Taiwan's international standing and further improve relations between the United States and Taiwan; and

WHEREAS, in January 2016, the citizens of Taiwan elected Tsai Ing-wen to be the island's next president by a decisive margin, 56% of more than 12,000,000 votes cast, and she will be the first female president of Taiwan when she is inaugurated on May 20, 2016; and

WHEREAS, the United States, and in particular the State of Maine, and Taiwan share a historically close relationship marked by strong bilateral trade, educational and cultural exchange, scientific and technological interests and tourism; and

WHEREAS, Taiwan is a member of the United States Visa Waiver Program, reflecting the friendship, trust and cooperation shared between our 2 countries and making travel between Taiwan and the United States for business and tourism more convenient; and

WHEREAS, the United States ranks as Taiwan's 2nd-largest trading partner and Taiwan ranks as the 10th-largest trading partner of the United States, with approximately \$61,500,000,000 from January to November 2015 in goods and services traded between the United States and Taiwan, with New England exporting \$1,000,000,000 in goods to Taiwan and Maine exporting \$19,000,000 in goods, including paper, fish and other marine products and computer and electronic products; and

WHEREAS, the Asia-Pacific region is the largest market in the world for American exports and many of Maine's exports go to markets in the Asia-Pacific region, and Taiwan is Maine's 8th-largest export market in Asia as of 2014; and

WHEREAS, Taiwan is the 19th-largest trading economy in the world and a member of the Asia-Pacific Economic Cooperation forum, which promotes free trade and economic cooperation throughout the Asia-Pacific region; and

WHEREAS, the United Nations Framework Convention on Climate Change is the world's key instrument to deal with climate change, a concerted global effort to combat the challenges posed by climate change requires that Taiwan also be included in the work of the convention and Taiwan has expressed a keen interest to participate in the global effort to address climate change; 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, reaffirm the friendship between Maine and Taiwan, the Republic of China, and we continue to support efforts to further strengthen Maine-Taiwan trade relations and support Taiwan's participation in international organizations and agreements, including the United Nations Framework Convention on Climate Change; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the members of the Maine Congressional Delegation, Governor Paul LePage, President Ma Ying-jeou of Taiwan and Scott Lai, Director-General of the Taipei Economic and Cultural Office in Boston.

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 could not pass up with opportunity to speak on this due to a trip that some legislators from both Bodies went on about a year or so ago. Myself, Senator Patrick, and Representative McCabe were on a delegation from New England to visit Taiwan and to tour, from north to south, the businesses. We visited schools. We really got a first class treatment and got to visit and see that country, see them as they were fighting for their right to be a democracy and support their own history. If you've ever thought I should deserve some punishment, spending a week with Senator Patrick ought to cure any of that. Although I do have to say that once we left Maine we were quite the delegation of folks being from Maine. It was a great trip. I really

enjoyed it and this is a very worthy Joint Resolution between Maine and Taiwan. I was really very impressed. Thank you, Mr. President and men and women of the Senate.

On motion by Senator **MASON** of Androscoggin, **ADOPTED.**

Sent down for concurrence.

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 (3/31/16) matter:

Bill "An Act Relating to Penalties for Drug Offenses"
S.P. 672 L.D. 1647

Report "**A**" - **Ought Not to Pass** (7 members)

Report "**B**" - **Ought to Pass as Amended by Committee Amendment "A" (S-425)** (5 members)

Report "**C**" - **Ought to Pass as Amended by Committee Amendment "B" (S-426)** (1 member)

Tabled - March 31, 2016, by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE OF ANY REPORT**

(In Senate, March 31, 2016, motion by Senator **ROSEN** of Hancock to **ACCEPT** Report "**B**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-425)** **FAILED.**)

On motion by Senator **MASON** of Androscoggin, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **FAILED** to **ACCEPT** Report "**B**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-425).**

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 Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just a quick reminder. This was the bill that was going to take away our driver's license, suspend the driver's license, for a non-driving offense. This is the one that, on March 31st, we rejected Report "B" 23 - 10 because I think everybody realized that this is something that all legislators prior

to us, all Secretary of State, have always been really diligent about not letting us get into this slippery slope of suspending licenses because of this, that, or whatever not related to driving. I would ask you to actually vote again the way you did last time and we will go on to Ought Not to Pass. Thank you, Mr. President.

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Friday, April 8, 2016, at 10:00 in the morning.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen to Accept Report "B" Ought to Pass as Amended by Committee Amendment "A" (S-425). 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 (#622)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ACCEPT** Report "B" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-425)** **PREVAILED.**

READ ONCE.

Committee Amendment "A" (S-425) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-425).**

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.

Off Record Remarks
