

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

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beginning January 6, 2016

beginning at Page 1434

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

In Senate Chamber
Monday
April 11, 2016

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

Prayer by Reverend Jane MacIntyre, South Parish
Congregational Church, United Church of Christ in Augusta

REVEREND MACINTYRE: Picture yourself inside a wall all the way around you of those big cardboard bricks that you or your children played with, just stacked right up all around you. Then start punching. Punch out that 24/7 cell phone. Punch out the ones that make you choose between the ands and the buts and ors in your sentences. Punch out the ones that are labeled should or don't. Punch out the columns of numbers, the ones that never have the same number when you add them twice, the ones that always need one or two numbers to become complete, the ones where the totals always seem to come out in red. Kick the rubble aside and step into your favorite place. Digging in a garden. A kitchen with fresh baked muffins on the counter. A fishing boat in the middle of a lake. A basketball court. Take a deep breath, close your eyes, relax into that space.

Great Spirit, renew these people, the elected and all called to serve in the governmental trenches. Give them a core filled with peace and inspire a fresh sense of purpose. Don't let them get lost in the thorny bushes of details. Let them look out across the diversity of people and land and water and know that it is good. Give them all the joy that comes from serving others. Grant all this we pray. Amen.

Pledge of Allegiance led by Senator David Woodsome of York
County.

Reading of the Journal of Friday, April 8, 2016.

Doctor of the day, Senator Geoffrey M. Gratwick, M.D. of
Penobscot County.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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
(S "A" S-376 to C "A" H-519)

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

In Senate, April 5, 2016, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519) AS AMENDED BY SENATE AMENDMENT "A" (S-376)** thereto, in **NON-CONCURRENCE**.

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

Senator **WOODSOME** of York moved the Senate **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#635)

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

NAYS: Senators: ALFOND, BRAKEY, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOFISKY, GRATWICK, HASKELL, HILL, 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 **RECEDE** and **CONCUR PREVAILED**.

Non-Concurrent Matter

Bill "An Act Relating to Penalties for Drug Offenses"
S.P. 672 L.D. 1647
(C "A" S-425)

In Senate, April 7, 2016, Report **"B" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-425)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-425)**.

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

Senator **ROSEN** of Hancock moved the Senate **INSIST**.

Senator **DIAMOND** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

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 (#636)

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

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **DIAMOND** of Cumberland to **RECEDE** and **CONCUR FAILED**.

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

Sent down for concurrence.

Non-Concurrent Matter

Bill "An Act To Promote Recruitment and Retention of State Employees"

S.P. 680 L.D. 1663
(C "A" S-469; S "A" S-478)

In Senate, April 6, 2016, on motion by Senator **WHITTEMORE** of Somerset, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-469) AND SENATE AMENDMENT "A" (S-478)**.

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

On motion by Senator **MASON** of Androscoggin, the Senate **INSISTED**.

Sent down for concurrence.

Non-Concurrent Matter

Bill "An Act To Clarify the Appointment Process"
S.P. 690 L.D. 1681
(C "B" S-475)

In Senate, April 7, 2016, on motion by Senator **WHITTEMORE** of Somerset, Report "**C**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-475) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-475)**.

Comes from the House, Report "**B**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-474) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-474)**, in **NON-CONCURRENCE**.

On motion by Senator **MASON** of Androscoggin, the Senate **INSISTED**.

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 968

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

April 6, 2016

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

Dear President Thibodeau and Speaker Eves:

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

L.D. 1690 An Act To Establish a Public Service Berthing Vessel License for the Sale of Liquor

This is notification of the Committee's action.

Sincerely,

S/Sen. Scott W. Cyrway
Senate Chair

S/Rep. Louis J. Luchini
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 967

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

April 6, 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 Taxation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1691 An Act To Improve the Maine Tree Growth Tax Law Program

This is notification of the Committee's action.

Sincerely,

S/Sen. Earle L. McCormick S/Rep. Adam A. Goode
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 972

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

April 8, 2016

TO: Senator Michael Thibodeau, President of the Senate
Representative Mark Eves, Speaker of the House and
Republican and Democratic Leaders

From: Beth Ashcroft, Director

Re: Riverview Psychiatric Recovery Center

Enclosed please find the final report from the Office of Program Evaluation and Government Accountability on the Riverview Psychiatric Center. The report is also available on our website at <http://legislature.maine.gov/oepga/oepga-repoils/9149>. If you have any questions, please do not hesitate to give me a call.

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 970

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

April 8, 2016

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1573, "An Act To Improve Hospital Governance by Clarifying the Requirement for a Certificate of Need for Intracorporation Transfers."

The only bill concerning the Certificate of Need (CON) laws that would avoid my veto pen is the bill to repeal them all. This bill presents an excellent opportunity to explain why.

LD 1573 would exempt from the CON process any transfer of ownership, acquisition or control involving hospitals or health care facilities that share a parent corporation or by and between a health care entity and its parent corporation. This provides a distinct competitive advantage to large health systems; as such transfers between small, often rural hospitals or health care facilities that are unaffiliated would remain subject to Maine's oppressive and unnecessary CON process.

Some of the greatest threats to our economy come from regulatory manipulation and political influence wielded by large corporations against smaller ones. This bill is a good example of this type of Washington-style, crony capitalism in Augusta. For these reasons, I return LD 1573 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Improve Hospital Governance by Clarifying the Requirement for a Certificate of Need for Intracorporation Transfers

S.P. 624 L.D. 1573

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 (#637)

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

NAYS: Senators: EDGECOMB, MCCORMICK, WILLETTE

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, and 32 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

The Following Communication: S.C. 971

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

April 8, 2016

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1605, "An Act to Extend the Time for Commencing an Action Relating to Death Caused by Homicide."

Most bad legislation that crosses my desk gets there not out of any ill-intent, but simply because the Legislature lacks the will to make the tough decisions needed to solve problems. Unfortunately, that is not the case with this bill, which is nothing more than pandering to grieved families.

LD 1605 would extend the statute of limitations for wrongful death actions in circumstances where the decedent's death was caused by a homicide. The current statute of limitations for these types of tort suits is two years from the date of the decedent's death for all wrongful death actions. This bill would introduce the discovery rule and extend the statute of limitations to six years in these particular instances.

This bill muddles a simple and clear statute of limitations to no practical end. While this may sound like an eminently

reasonable proposal, it provides nothing to the people who have lost loved ones. What damages will those bringing these suits really be able to recover? Does anyone truly believe that the murderers in Maine's prison system have incredible assets to cover these damages? Perhaps the murderers in Maine's prison system saw fit to procure insurance coverage for their homicidal acts?

This is a hollow bill making empty promises for political gain. For these reasons, I return LD 1605 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Extend the Time for Commencing an Action Relating to Death Caused by Homicide

S.P. 646 L.D. 1605

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

Senator **VALENTINO:** Thank you, Mr. President. Men and women of the Senate, I rise today in support of the Overriding the veto for L.D. 1605. I stand today not to persuade or to criticize or to speak negatively, but I want to say thank you. Thank you to the Senator from Washington, Senator Burns, and thank you to the Senator from Lincoln, Senator Johnson, who have steadfastly stood with the victims' families and who not only got a unanimous vote out of the Judiciary Committee but moved directly from the public hearing to the work session to take the vote while families were in attendance. I want to say thank you to the Senator from Kennebec, Senator Katz, who consulted with me on this bill and testified in the Judiciary Committee in support and stayed for the entire hearing and work session. I want to thank the Attorney General for working on the language and testifying in support. Most of all I want to thank the families of the cold case victims who are seated in the Senate gallery at this time and who are listening at home. This bill was their idea. This bill was not my idea. This is not my bill. This is their bill. They have advocated strongly for the bill's passage and, even though this bill will not help any of them, that's right, this bill is not for them, this bill is for future families who may be in their position, that are fighting to have their rights. Because of the narrow statute of limitations, they've been stopped from filing their claims, but this bill is for the future. Most of all, I want to thank each and every member of this Body for your unanimous support in the Senate roll call on this bill. All I ask is that we stick together, continue our past votes, and vote to Override. Thank you, Mr. President.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, want to thank the good Senator, Senator Valentino, for giving recognition to all the people that are involved in this, but I think the recognition goes to the families that

promoted this bill and this is the right thing to do. It's the very least that this Legislature can do. It doesn't solve all the problems and take away the hurt, but it's a step forward and I would encourage you to vote to Override this. Thank you very much, ladies and gentlemen.

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 (#638)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

Senate at Ease.

Senate called to order by the President.

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

ORDERS

Joint Order

Eventide Oyster Company, of Portland, which has been recognized as one of the 38 most essential restaurants in the nation by Vox Media's national food blog Eater.com. The oyster bar was chosen for its combinations of foods from Maine and from away, which demonstrated a "deftly handled cross-cultural playfulness." We extend to everyone at Eventide Oyster Company our congratulations and best wishes;
SLS 1140

Sponsored by Senator ALFOND of Cumberland.
Cosponsored by Senator: HASKELL of Cumberland,
Representatives: CHIPMAN of Portland, DION of Portland, FARNSWORTH of Portland, HARLOW of Portland, JORGENSEN of Portland, MOONEN of Portland, RUSSELL of Portland, STUCKEY of Portland.

READ.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, you know often in the Senate Chamber we're dealing with very, very important issues and often times right now some of those issues are really discouraging when you think about some of our industries and our economy. This morning, you know, we're talking about Maine and glorious Maine. We have a state that over 30 million people come to every single year. People come from all over the country and internationally to our grand state and a lot of them come here for a reason that we all recognize every single day, three times a day. They are hungry. They want great food and our food, our agriculture, our beers, our craft distilleries. I mean we're doing something incredibly special. To that point, earlier this year the National 38 List done by the blog Eater.com came out with this incredible list. It's a list of the 38 most essential restaurants in the nation. Let me state that again, in the nation. Two were from our great state of Maine. The one that is here today, Eventide Oyster Company, was one and they're from Portland and they're doing a bang up job. This is what the editor wrote, Mr. Addison, about Eventide Oyster Company, "It combines food from Maine and from away in dazzling mashups. Pemaquid oysters tossed with kimchi ice, a classic New England clam bake alongside green curry lobster stew, pinky toe crab rolls next to pickled watermelon, atop fried chicken buns." I'm not sure if that's what they serve every day, but to me, folks, we are talking about something very special and it goes further besides what this one blog wrote. This is a second year in a row that Eventide has been named and is a finalist for one of the most prestigious American food honors, the James Beard Award. This is the second year in a row that Eventide has been named and is now a finalist. Today here with me is the front of the house and the back of the house and I know that the Senator from Hancock, Senator Langle, can appreciate those terms. From the front of the house we have Harland Smith and from the back of the house we have Chefs Mike Willey and Andrew Taylor. What these folks are doing is just really, really phenomenal. I know that we all here in the Senate congratulate them for the work they're doing. They're all going into their summer season. We're going to see a lot more tourists and, Mr. President, I think we have a great honor here today to recognize some great people doing great things in our economy. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I finally get to stand and speak about something I know something about and that's what it's like to have a successful operation. My wife and I are entering into our 30th year of being in business as restaurant owners. She runs the front of the house and I run the back of the house as the Chef. It's no small feat to do what these folks have done and it's no small feat every day to go in and use local products and craft them in a Maine tradition as well as experimenting a little bit on the wild side. Whether you realize it or not, Maine is a food destination. People come from all over the world, all over the country, to visit Maine. They want locally produced foods and now with our emerging local craft breweries Maine is becoming a place that foodies like to come. My sincere congratulations to these folks because if anybody knows how hard they've work to get this accomplishment it's me. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber today Harland Smith, Andrew Taylor, and Mike Willey. Would they please all rise and accept the congratulations of the Senate.

Joint Resolution

On motion by Senator **MASON** of Androscoggin, the following Joint Resolution:

S.P. 703

**JOINT RESOLUTION
DECLARING THE WEEK OF APRIL 10, 2016 AS MAINE
PUBLIC SAFETY TELECOMMUNICATORS WEEK**

WHEREAS, the week beginning April 10, 2016 is National Public Safety Telecommunicator Week; and

WHEREAS, over 500,000 dedicated men and women are engaged in the operation of emergency response systems for federal, state, county and local governmental entities throughout the United States; and

WHEREAS, these "unseen first responders" are responsible for responding to the telephone calls of the general public for police, fire and emergency medical assistance and for dispatching assistance to help save the lives and property of our citizens; and

WHEREAS, Americans place their trust in these individuals, not just this week, but every day of the year, and rely on their knowledge and professionalism as they make critical decisions, obtain information and quickly dispatch needed aid; and

WHEREAS, the calls for help include not only police, fire and emergency medical service calls but those governmental communications related to natural disasters, forestry and conservation operations, highway safety and maintenance activities and all other operations that modern governmental agencies must conduct; and

WHEREAS, Maine's public safety telecommunicators daily serve the public in countless ways without due recognition by the beneficiaries of their services; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the week of April 10, 2016 as Maine Public Safety Telecommunicators Week.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services

H.P. 605 L.D. 886

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-645).**

Comes from the House with the Report **READ and ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-645).**

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

READ ONCE.

Committee Amendment "A" (H-645) **READ and ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Increase Competition and Ensure a Robust Information and Telecommunications Market"

H.P. 305 L.D. 466

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-655)**.

Signed:

Senators:

WOODSOME of York
HILL of York
MASON of Androscoggin

Representatives:

DION of Portland
BEAVERS of South Berwick
DeCHANT of Bath
DUNPHY of Embden
GROHMAN of Biddeford
HIGGINS of Dover-Foxcroft
O'CONNOR of Berwick
RYKERSON of Kittery
WADSWORTH of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-656)**.

Signed:

Representative:

BABBIDGE of Kennebunk

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-655)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-655)**.

Reports **READ**.

On motion by Senator **WOODSOME** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-655)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-655) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-655)**, in concurrence

Senate

Ought to Pass As Amended

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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-504)**.

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

READ ONCE.

Committee Amendment "A" (S-504) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Address Employee Recruitment and Retention Issues at State Mental Health Institutions" (EMERGENCY)

S.P. 670 L.D. 1645

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-507)**.

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 Not To Pass**.

Signed:

Representatives:

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

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-507) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend and Clarify the Laws Governing the Brunswick Naval Air Station Job Increment Financing Fund"
S.P. 698 L.D. 1692

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

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot
PATRICK of Oxford

Representatives:

HERBIG of Belfast
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford
WARD of Dedham

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

Signed:

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan

Reports **READ.**

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

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Increase Payments to MaineCare Providers That Are Subject to Maine's Service Provider Tax
H.P. 1115 L.D. 1638
(C "A" H-623)

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

ORDERS OF THE DAY

Unfinished Business

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

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

Bill "An Act To Resolve Inconsistencies in the Drug Laws"
S.P. 609 L.D. 1554
(C "A" S-417)

Tabled - April 1, 2016, by Senator **ROSEN** of Hancock

Pending - **FURTHER CONSIDERATION**

(In Senate, March 29, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417).**)

(In House, March 31, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-418)**, in **NON-CONCURRENCE.**)

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

Sent down for concurrence.

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

JOINT ORDER - Directing the Joint Standing Committee on Veterans and Legal Affairs To Report Out a Bill Exempting Federally Recognized Tribes from State Gaming Laws for Certain Types of Gaming

H.P. 1140

Tabled - April 1, 2016, by Senator **PATRICK** of Oxford

Pending - **PASSAGE**, in concurrence

(In House, March 31, 2016, **PASSED**.)

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

Senator **MASON** of Androscoggin moved to **INDEFINITELY POSTPONE** the Joint Order, in **NON-CONCURRENCE**.

On motion by Senator **PATRICK** of Oxford, 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 Oxford, Senator Patrick.

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I have no real idea that this is going to go anywhere, but the one thing I will do, as I stated to Representative Bear and the tribes, Chief Commander and the other Chiefs, is stand up on their behalf and ask that you vote against this motion and move on to allow the Maliseet Tribes to have their opportunity to have the bill come before the Legal and Veterans Affairs Committee, that they might have their opportunity, finally, to have a gaming organization for the tribes. They are looking to have a small casino in Northern Maine. They look at it from the standpoint that the revenues that would be garnered would help their tribes with education, housing, food, and the like. From my standpoint, I have supported the tribes each and every time a casino has come before us since the 120th Legislature and I would ask that you would follow my light and vote against this Indefinite Postponement motion. Thank you, Mr. President.

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

Senator **WILLETTE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, like the good Senator from Oxford, agreed to stand up and say a few words. Basically, in my six years here under the dome, having served in both Chambers, I've had the great pleasure of representing the various tribes in Aroostook County. I've always been a proponent of the tribal issues that have come before this legislature and this Joint Order is one of them. I've always held the belief that before we, as a state, allowed outside entities to be the first to establish casinos in our state we should have given deference to the tribes and allowed the first casino to be one of their own design and from that point onward let them compete with others for any further casino projects or proposals, as they've so over the years. At every turn, they have, for one reason or another, been shut out or shut down in their endeavors to obtain a gaming facility they can call their own. This Joint Order is one more attempt to provide an avenue for a tribal casino in our state. The benefits of a tribal casino would provide jobs that would have a direct positive effect on tribal members and the insularly jobs created that would come from a gaming facility would be a boon for the area around that new facility, wherever that may be. I know that if I had my choice a casino of this size, that this order would allow, if placed in Aroostook County, would be a tremendous opportunity for our area, and opportunities in the County are far and few in between.

Today we need to consider taking this step to help tribes achieve a goal they've been fighting to achieve for far too long. I encourage you to follow my light when the vote is taken and vote against this pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Mason to Indefinitely Postpone the Joint Order, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#639)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, GRATWICK, HAMPER, HILL, KATZ, LANGLEY, MASON, MCCORMICK, MILLETT, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BREEN, DESCHAMBAULT, DIAMOND, DILL, EDGEComb, GERZOFsky, HASKELL, JOHNSON, LIBBY, MIRAMANT, PATRICK, WILLETTE, WOODSOME

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **INDEFINITELY POSTPONE** the Joint Order, in **NON-CONCURRENCE**, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Workplace Safety by Simplifying and Improving Employers' Substance Abuse Policy Requirements" H.P. 937 L.D. 1384

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-624)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-625)** (6 members)

Tabled - April 4, 2016, by Senator **VOLK** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-625)** Report, in **NON-CONCURRENCE**

(In House, April 1, 2016, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624).**)

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

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I'm standing here in opposition to the pending motion, supporting the Minority Report. I am in hopes that we can get something done this year. The reality of the political environment in the Legislature today says that you have to try to come in agreement with both Bodies in order to get something passed. There is a difference between both reports. We have the Minority Report before us, but the other report actually has less in it that is agreed to, so from my standpoint, I'm a firm believer that it's better to get incremental change done than to have nothing done and if we move forward with the Minority Report I am worried that we will get nothing done on the front of workplace safety and substance abuse policy requirements. For that, I would ask that you would vote in opposition to the report. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is an issue that I have worked for as long as I've served on the Labor, Commerce, Research and Economic Development Committee and this is a concern that predates me coming in in the 125th Legislature when I was first elected to the House. What we know now is that Maine has a drug crisis. We have a really, really dangerous drug crisis. What we also know is that the vast majority of employers in this state, including hospitals where people have access to controlled substances, where people in a neighboring state have died because of the actions of someone who was addicted to drugs and using needles and then using the same needles on patients, infecting those patients in New Hampshire. That was about ten years ago. This is a crisis. This is another, L.D. 1384 is another piece of the puzzle to solving our drug crisis. We all knew when we came in after the summer and the fall that we were going to be looking at a lot of different legislation to deal with the drug crisis in the state of Maine and this is an important piece of the puzzle.

Let me walk you through the differences between the Minority and the Majority Report. The Minority Report adds a new purpose statement in provisions which protects Maine workers from injuries and illnesses caused by impairment in the workplace. Not surprisingly, reports show an increase in the rate of positive test results for workplace drug testing among those very, very, very, very small number of employers in the state of Maine that actually do drug testing. Okay, they're finding an increased number of positive, people popping positive. A lot of times they're surprised by those results because these may be employees who are good employees. These may be people that they won't have to have to find an excuse to fire. They want to be able to help them get treatment and I would suggest that the

time to identify people who need treatment and get them into treatment is before they reach a crisis in their life and they've been fired from their job, before they've lost their health insurance. Okay? Let's identify them by training, as our report does, training supervisors to detect impairment and then having a conversation with that employee and getting them to the point where they are willing to seek help and they can keep their jobs. Another thing that this amendment does is that restores some of the protections for workers that can be drug tested already by employers who right now are exempt under Maine law. Why are they exempt? Because they are following the federal guidelines. For example, right now, under Maine law, if you have a, if you are an employers and you employ drivers who have to be tested under federal law you're permitted to actually generalize that to all of your employees, which means they might not even realize that they are subject to drug testing and all of a sudden, guess what, they are and they are taken by surprise by that. This actually restores some protections because all employees would have to be notified of the fact that they may be drug tested. Okay? It parallels the federal definition of MRO in that the MRO is required to be qualified with clinical experience in substance abuse disorders and substance testing. We're going back to we want to be able to have a conversation with somebody that pops positive on a drug test. We want to be able to get them help. We have a workforce shortage in this state. We don't want to just have to firing employees because they pop positive on a drug test. We want to be able to get them the help that they need before their life has reached the crisis point. Again, this is a piece of the puzzle. It establishes the uniform impairment and substance use testing policy, both of them do that except that you wouldn't have impairment detection. Okay? Yes, we heard, you know, some concerns, "Well what if I've been up late with a baby and my?" So you have the conversation, "I've been up late with my baby," and your employer goes, "Oh, okay that makes sense." No one's going to be targeted if there are some understandable circumstances surrounding why they appear to be impaired. They might send you home or they might take you off safety sensitive tasks for the day and I think that we would welcome that because, again, we don't want workers' safety to be at risk here in Maine.

The other issue that we have, we've just all seen that it's likely now that we're going to see marijuana legalization coming onto the ballot in November. Okay? So right now we already have medical marijuana. Part of the workgroup that developed the language in our amendment included the medical marijuana folks, the folks from the dispensaries, the folks who are interested in making sure that if you are legally permitted to use marijuana that your rights have been protected but that the employer also has the ability to say, "Yes, you might be entitled to use medical marijuana but you can't use it on the job." What we know with marijuana testing is that it stays in your blood for a very, very long period of time, right?, but if you're not appearing to be impaired no one's every going to flag you under our amendment. Okay? It's all about detecting when someone is impaired on the job.

It reduces the restriction on company-wide random drug testing to employers with ten or more employees as recent reports suggest that random drug testing may be an effective deterrent to workplace drug use. It's sort of the idea of, we've all heard, in fact in other states I know that is one of the ways that they keep people who have been convicted of drunk driving sober, is that they have these short-term goals. Okay? Well if you know that you could potentially be randomly drug tested

you're more likely to stay away from using that drug because you value holding onto your job. It's just another check. Again, this is a piece of the puzzle in the drug crisis in the state of Maine. I would ask you to support the pending motion and follow my light on this very, very important issue for Maine's businesses.

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

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise a second time in opposition to the motion. There are 40,000 businesses in the state of Maine and actually right now we have around 500 that have a drug testing policy. Part of the hang up in the past, Mr. President, has been the cost of EAP. Those companies with 50 or more employees presently have to have a EAP program and I think it's extremely valuable because I, too, want to make sure that a person isn't fired for the first offence and that they can seek help, but Maine is an at will state and you can be fired for any reason you want and actually one packaging company, I think, just did some random drug testing, found three people, and they fired the three people. One of the problems is we've been working on this for about three or four years now and we actually had a great working group and they were really making an awful lot of headway until the end when we were coming closer to getting it all down on paper and actually a lot of the groups that were for it some of them actually testified in opposition because you can't have a one size fits all cookie cutter approach. The biggest hang up with this is that both sides agree that there are certain things that we want to move forward with today and we're not ready to go too far. Incremental change, I think, is good. I think this drug, substance abuse testing is going to continue on for more years to come until we can find a way where we can, everyone will feel comfortable with it, both management, labor. We had a lot of great testimony. There's a lot of great statistics that go along with the report and that, but this is not ready for prime time yet, at least not the Minority Report. If we vote this down, go onto the Majority Report, I think that both Bodies will get something done for the employees and employers in the state of Maine. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. My apologies for rising a second time. Just a little correction by my colleague from Oxford. Volk Packaging does not do drug testing. They did not, they do pre-employment drug testing. This was actually a case of three employees who were second shift, left a bong next to the machine. As it turned out, they later admitted that all three of them had smoked marijuana on the job during a break. That was the reason for being fired. I also want to talk a little bit about the process. This was, I neglected to do that before, this was the result of a working group. A number of different entities. Happy to share with any and every one of you the report that they came up with and we actually met again in between work sessions and ironed out those who had some concerns about the final language brought to us by the department. They had those

concerns addressed. They are addressed in the Minority Report. They are not addressed in the Majority Report. Other than the concerns by the labor unions who, by and large, did not participate in the work group, even though they were invited to every meeting. Thank you.

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (H-625) Report, in Non-concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#640)

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

NAYS: Senators: ALFOND, BREEN, 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 **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-625)** Report, in **NON-CONCURRENCE, PREVAILED.**

READ ONCE.

Committee Amendment "B" (H-625) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-625),** in **NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/8/16) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Increase the Salary of the Governor and the Salary of Legislators upon Reduction in the Size of the Legislature"

H.P. 1149 L.D. 1679

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-646)** (6 members)

Tabled - April 8, 2016, by Senator **CUSHING** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 7, 2016, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/8/16) matter:

An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License

S.P. 563 L.D. 1462
(C "A" S-355)

Tabled - April 8, 2016, by Senator **MASON** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 6, 2016, on motion by Senator **CYRWAY** of Kennebec, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-355)**.)

(In House, April 7, 2016, **PASSED TO BE ENACTED**.)

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

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I stand in opposition to the motion. Seems that I've been doing that a lot lately, but irregardless. This bill, on its surface, seems like it is just let's tear down the wall, let's just allow one type of business to have an advantage over another business, and, from my standpoint, this bill would be an enforcement and public safety nightmare. This is a new paradigm that will require inspections, training, consulting, and considerable staff time to properly implement. Further, BABLO must track and monitor transfer of

product, which is more difficult to do between establishments of a common owner. Despite adding these challenges, the bill allocates no additional supports to BABLO. BABLO currently doesn't have a sufficient number of inspectors in field teams. This would require even more staff and I believe there actually should be a fiscal note to this and I'm not sure if there is one on it, but BABLO has repeatedly expressed concerns over their ability to safely enforce this bill. There is no limitation on how much beer can be sold by the brew pub to-go. As written, the brew pubs could sell a customer beer all night at the bar and sell a six pack, or maybe even a 30 pack, to a customer on their way out the door. There is no limit. The bill provides brew pubs, and only brew pubs, with a special permission to sell on and off premise from the same location. That's creating an uneven playing field. The bill allows only brew pubs to sell to-go from the premise location, not other bars, not other restaurants, not convenience stores, no non-profits, veteran's clubs or organizations. This is not a minor change. It is an attack on the three tier system and this is the beginning of the deregulation of alcohol. Some, I think, would like to see that but, as someone who's been on the committee for 16 years, I still believe in the three tier system because it does have value. Next session you can bet that the breweries will be back and wanting to sell other products, not just their own, to-go.

It's important to have an on and off premise alcohol sold from physically separate and distinct licensed facilities to avoid tax problems and to be sure alcohol is sold responsibly. There is a difference when you sell. There's one taxed at 5.5 and the other, I think, is taxed at 7%. We don't have enough auditors right now to go around and do the work that they have to do. We don't have enough inspectors to go along and do their job. This would add extensively to that and I think at this time, Mr. President, this bill is way ahead of its time and I think we've given enough carve-outs to the industry that this is looking to help. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion. I believe this is the third time, perhaps, we've debated this bill, so I won't go over all the reasons again why this is a good, commonsense, free market piece of legislation. I just want to rise to say, Mr. President, tear down this wall. Thank you very much.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, Senator Brakey, you took the words right out of my mouth. Thank you very much, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. I'm just backing up Senator Patrick's comments about what he mentioned about the three tier system. Also this would send a ripple effect. Next year we would certainly have the problem of other businesses wanting to take and have the same wall taken down. Also I've met with Director Mineo at BABLO and he actually got a printout

here of \$100,000 of fiscal estimate which he needs that manpower to do the job when you have the tax structure of two different tax structures and also how it's going to be handled, the liquor and whatever. It's going to take another man just to do that and that's just for this situation and then if it does the ripple effect we're going to have even more. This certainly is not just taking the wall down. We're talking about changing our law. We have a three tier system and we should be maintaining the law. If you want to take the three tier system away, then you try to change that, but don't try to nitpick and take the little pieces out and say it's okay. That doesn't work. Thank you, Mr. President.

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, micro-breweries here in Maine employ a lot of people, as was outlined to this Senate on many different occasions. Collectively a lot of these micro-breweries are in really good restaurants, restaurants that are patronized by a lot of folks on a daily basis. Under current law you're there with your spouse for dinner and you have one of the local brews that's brewed on premises and you, "Well, this tastes pretty good. I guess I'll get some of that to take home." You ask the waitress or the waiter and say, "How do I get some of this to take home, or do I have to buy it in a supermarket or whatever?" They say, "Well, no. We can make that available to you. I'll have to go outside the building and go in another entrance to get it, so hold on and I'll be right back." That is the stipulation with the wall. The wall is there to separate the brewery, the micro-brewery, from customers. Normally they have a separate entrance to get inside the micro-brewery. One comes to mind that's located in one of my towns that I represent in York County. Somebody has to go outside the building, go around to the side, go into a separate door, pick up the six pack or whatever the case may be, come around again, bring it inside the restaurant, and make it available to that patron. It's just not a good way to operate a business. We established these micro-breweries but yet we kind of tie their hands a little bit to make it tough for them to do business. I would strongly recommend that we go for Enactment on the bill and allow this to continue as far as making it easier for patrons to buy the product. Saying that, I think that every one of us probably has one of these micro-breweries somewhere located in our districts and they're depending on us to do the right thing. Thank you.

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen, I rise in favor of the pending motion of Enactment. This is really very basic commonsense. It is said that there is no limit on what a person can drink and then go around and buy before leaving the establishment. Certainly there are limits on how much someone can drink, but even today there's no limit on how much they can buy as long as they go out one door, go in another door on the other side of the business, and purchase it there. This is really not a matter of deregulating alcohol. It's a matter of deregulating perambulation, whether somebody has to walk out one door and in another to make a simple purchase. Ladies and gentlemen, this is really commonsense. We're talking about the same entity on both sides of that wall. The cash registers ring up the sales. It's not that complicated to be tracked

and handle what BABLO needs in regulating how these are taxed. It's time for us to just get this done. Thank you.

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

Senator **SAVIELLO:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I'll be very quick. The fiscal note that my good friend talked about, I believe, was given to OFPR and they rejected it because on a similar bill, L.D. 1289, it was for liquor sales, and they actually called it a pro-business bill and didn't see any concerns about enforcement. I would think that it actually would save money because instead of two places to inspect they'd have one. Thank you very much, Mr. President.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, it starts with what Senator Patrick referred to as carve outs for different groups or industries. That's the first sign in a lot of different areas that we need change, so we start with that because we have a system that worked for a while, we changed the rules periodically. It worked. We started to carve out. We recognized the times are changing and so does the three tier system need to change. We are going to bring back several bills next time about changing that, different pieces, because it's a different economy, a different market, and more things are available from all over the world that people of Maine want and we may be the last to catch up with it, but we need to catch up with it. This is a start. Thank you very much.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, that just answered the question and just answered what I had been saying, and Senator Patrick had said. This is the beginning of the breakdowns. I kind of rest my case. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Enactment, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#641)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, COLLINS, DESCHAMBAULT, DILL, GERZOFKY, HASKELL, HILL, JOHNSON, LANGLEY, LIBBY, MILLETT, MIRAMANT, SAVIELLO, VALENTINO

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/8/16) matter:

An Act Regarding Consent to Land Transfers to the Federal Government

H.P. 1091 L.D. 1600
(C "A" H-571)

Tabled - April 8, 2016, by Senator **MASON** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 6, 2016, on motion by Senator **WHITTEMORE** of Somerset, 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)**, in concurrence.)

(In House, April 7, 2016, **PASSED TO BE ENACTED**.)

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

Senator **ALFOND** of Cumberland moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#642)

YEAS: Senators: ALFOND, BREEN, DESCHAMBAULT, DIAMOND, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **ALFOND** of Cumberland to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**, **FAILED**.

The pending question before the Senate was Enactment. A Roll Call had been ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#643)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Limit Liability for Certain Successor Corporations under Specific Circumstances"

H.P. 814 L.D. 1181

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

Signed:

Senator:

JOHNSON of Lincoln

Representatives:

HOBBINS of Saco
EVANGELOS of Friendship
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-604)**.

Signed:

Senators:

BURNS of Washington
VOLK of Cumberland

Representatives:

GINZLER of Bridgton
GUERIN of Glenburn
HERRICK of Paris
SHERMAN of Hodgdon

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

Reports **READ**.

On motion by Senator **BURNS** of Washington, Bill and accompanying papers **INDEFINITELY POSTPONED**.

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Raise the Base Assessment for Correctional Services for Oxford County"

S.P. 704 L.D. 1697

Reported that the same **Ought to Pass**, pursuant to Joint Order 2016, S.P. 695.

Signed:

Senators:

ROSEN of Hancock
GERZOFKY of Cumberland

Representatives:

DAVITT of Hampden
GERRISH of Lebanon
LONG of Sherman
NADEAU of Winslow
THERIAULT of China
TIMMONS of Cumberland
WARREN of Hallowell

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

Signed:

Senator:

BURNS of Washington

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
LAJOIE of Lewiston

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

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

Sent down for concurrence.

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.

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

COMMUNICATIONS

The Following Communication: H.C. 520

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

April 11, 2016

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Minority Ought to Pass as Amended Report of 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" (S.P. 667) (L.D. 1640)(EMERGENCY) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-456).

The House voted today to insist on its former action whereby it accepted the Majority Ought to Pass as Amended Report 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) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-459).

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation in Public Proceedings"

H.P. 1077 L.D. 1586

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

Signed:

Senator:
BURNS of Washington

Representatives:
EVANGELOS of Friendship
GINZLER of Bridgton
GUERIN of Glenburn
HERRICK of Paris
MOONEN of Portland
SHERMAN of Hodgdon

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-660).**

Signed:

Senators:
JOHNSON of Lincoln
VOLK of Cumberland

Representatives:
HOBBINS of Saco
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
WARREN of Hallowell

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

Reports **READ.**

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

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

COMMUNICATIONS

The Following Communication: H.C. 517

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

April 8, 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 1492, "An Act To Establish a Protocol for Review of State Education Content Standards of the System of Learning Results."

On my desk in the State House sits a sign that reads: "After all is said is done, more is said than done." Such is the case with LD 1492. Despite all of the talk in Augusta about increasing education funding and Maine's education standards, student performance in our public schools remains flat or is in decline and cost continues to rise. By constantly adjusting our education standards and imposing unfunded mandates on our schools, the Legislature has been hurting, not helping.

In its amended form, LD 1492 prescribes new procedures for reviewing the Maine Learning Results to be used in future reviews. Originally introduced by the bill's sponsor as a vehicle to repeal common core standards from the Maine Learning Results, the bill quickly devolved into a recipe to take an existing review process and make it worse.

The review process for our education standards is already outlined in statute, and no change can be made to the standards without being adopted by the Legislature. Under the current protocol, a review is presently under way for Standard 1, which includes the content for Career and Education development. Given this ongoing review and recent changes to the Maine Learning Results, it seems prudent to leave the existing protocols in place rather than add even more bureaucracy with a new layer of unnecessary, inflexible and unproven procedures.

By voting to sustain this veto, you will allow a successful review process to continue, and we can instead focus our efforts on the work of the Blue Ribbon Commission to Reform Public Education Funding and Improve Student Performance in Maine. For these reasons, I return this bill unsigned and vetoed. I strongly urge the legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Amend the Laws Governing Education Standards in Maine (EMERGENCY)

H.P. 1015 L.D. 1492

Comes from the House, 145 members having voted in the affirmative and 1 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.

On motion by Senator **LANGLEY** of Hancock, **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

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

COMMUNICATIONS

The Following Communication: H.C. 518

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

April 8, 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 1659, "An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes."

The Maine Bureau of Parks and Lands holds public lots in trust for public uses. In 1994, the Bureau conveyed a public lot to the Sinclair Sanitary District with the requirement that the land be used solely for the public uses of the Sanitary District. In 2014, the District attempted to enter into a commercial lease with a telecommunications company to construct a telecommunications tower on a portion of the conveyed land. The District wants revenues from the lease to help with its budget. The proposal was inconsistent with the public trust purposes and violated the terms of the deed. This legislation was submitted as a way to undo the deal that the State made in good faith.

This bill would set an alarming precedent and could compromise many other deed restrictions that have been negotiated by the State and a private or public party. This deed restriction was a key part of the agreement between the State and the Sinclair Sanitary District and it is inappropriate for the Legislature to interfere in such a matter. A deal is a deal.

For this reason, I return LD 1659 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes

H.P. 1130 L.D. 1659

Comes from the House, 144 members having voted in the affirmative and 2 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 (#644)

YEAS: 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, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

COMMUNICATIONS

The Following Communication: H.C. 516

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

April 8, 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 949, "An Act To Enact the Recommendations of the Commission on Independent Living and Disability."

This bill would grant an advocacy agency standing to sue Maine businesses for violations of the Maine Human Rights Act. I am trying to improve Maine's business climate, and opening the floodgates for more litigation would be a devastating step backward.

It also would require the Statewide Independent Living Council (SILC) to produce annual reports and create a "working group," all of which would have vague and unnecessary missions. SILC also has a history both of failing to meet contractual obligations with the Department of Labor, which provides its funding, and of asking for more funding.

SILC's 2016 funding from DOL is \$55,500. Last year, SILC requested an additional \$136,920. I suspect that the mandates SILC seeks to impose upon itself in this bill are little more than make-work proposals to justify future funding requests. It is especially inappropriate that the sponsor of this legislation is SILC's sole employee. Alas, so goes politics in Augusta.

If the Legislature sends bills to me that would expose Maine businesses to additional litigation while rewarding a lawmaker's employer with make-work projects, it should always expect a veto.

For these reasons, I return LD 949 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Enact the Recommendations of the Commission on Independent Living and Disability

H.P. 652 L.D. 949

Comes from the House, 146 members having voted in the affirmative and none in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

The President 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 (#645)

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

NAYS: Senators: CUSHING, CYRWAY, EDGEComb, MCCORMICK, WILLETTE

30 Senators having voted in the affirmative and 5 Senators having voted in the negative, and 30 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

COMMUNICATIONS

The Following Communication: H.C. 521

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

April 11, 2016

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

Dear Secretary Priest:

House Paper 1138, Legislative Document 1669, "An Act To Require the Bureau of Alcoholic Beverages and Lottery Operations To Provide Annual Reports on Spirits Sales Revenues and Expenditures To Promote Lottery Sales," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

80 voted in favor and 66 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Evaluation of Public Schools" H.P. 853 L.D. 1253

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-658).**

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-658).**

Report **READ.**

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#646)

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

NAYS: Senators: BRAKEY, CUSHING, MASON

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-658)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "B" (H-658) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Amend the Law Regarding Temporary Powers of Attorney over Minors and Incapacitated Persons"

H.P. 734 L.D. 1065

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-657)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-657)**.

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

READ ONCE.

Committee Amendment "A" (H-657) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Regarding the Maine Clean Election Fund" (EMERGENCY)

H.P. 1071 L.D. 1579

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-661)**.

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 Not To Pass**.

Signed:

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-661)**.

Reports **READ**.

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

Senator **GRATWICK** of Penobscot moved to **TABLE** until Later in Today's Session, pending the motion by Senator **HAMPER** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

READ ONCE.

Committee Amendment "A" (H-661) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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:

Act

An Act To Increase Competition and Ensure a Robust Information and Telecommunications Market

H.P. 305 L.D. 466
(C "A" H-655)

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.

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

Resolve

Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services

H.P. 605 L.D. 886
(C "A" H-645)

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Expand The 1998 Special Retirement Plan To Include Detectives In The Office Of The Attorney General

H.P. 435 L.D. 654
(C "A" H-548)

Placed on the Special Appropriations Table - March 17, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 15, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-548)**, in concurrence.)

(In House, March 16, 2016, **PASSED TO BE ENACTED.**)

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

Ordered sent down forthwith.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Ensure A Continuing Home Court For Cases Involving Children

H.P. 609 L.D. 890
(C "A" H-522)

Placed on the Special Appropriations Table - March 15, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 8, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522.)**)

(In House, March 10, 2016, **PASSED TO BE ENACTED.**)

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

Ordered sent down forthwith.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act To Protect The Future Of Harness Racing

H.P. 705 L.D. 1022
(C "A" H-377)

Placed on the Special Appropriations Table - June 15, 2015, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, June 12, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-377)**, in concurrence.)

(In House, June 15, 2015, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Authorize The Maine Governmental Facilities Authority To Issue Securities To Pay For Capital Repairs And Improvements To The Maine Correctional Center In South Windham And A Facility Owned By The Department Of Corrections In Washington County

S.P. 547 L.D. 1447
(C "A" S-415)

Placed on the Special Appropriations Table - March 29, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 23, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-415).**)

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

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

Ordered sent down forthwith.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Modernize And Consolidate Court Facilities
S.P. 590 L.D. 1528
(C "A" S-437)

Placed on the Special Appropriations Table - March 30, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 28, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-437).**)

(In House, March 29, 2016, **PASSED TO BE ENACTED.**)

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

Ordered sent down forthwith.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Improve The Delivery Of Services And Benefits To Maine's Veterans And Provide Tuition Assistance To Members Of The Maine National Guard

H.P. 1100 L.D. 1612
(H "C" H-626 to C "A" H-584)

Placed on the Special Appropriations Table - April 6, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-584) AS AMENDED BY HOUSE AMENDMENT "C" (H-626)** thereto, in concurrence.)

(In House, April 5, 2016, **PASSED TO BE ENACTED.**)

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

Ordered sent down forthwith.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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

Placed on the Special Appropriations Table - March 28, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 22, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-389).**)

(In House, March 24, 2016, **PASSED TO BE ENACTED.**)

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

Ordered sent down forthwith

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later Assigned (4/8/16) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase Fairness in Campaign Financing"

H.P. 623 L.D. 904

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-568)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - April 8, 2016, by Senator **CYRWAY** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 7, 2016, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-568)**.)

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

Senator **CYRWAY** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **PATRICK** of Oxford, 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 Oxford, Senator Patrick.

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, this is actually a fairness bill. I'm standing here in opposition to the motion because the bill came around as the result of a law suit in U.S. District Court, the decision regarding Woodhouse vs Maine Commission on Governmental Ethics and Electing Practices in 2014. The bill corrects a shortcoming in law that allows party candidates to raise twice as much money as independent candidates. Not taking action on this bill will leave on the table another law suit for the State of Maine if we have the next gubernatorial election and do not take care of the issue. The issue at hand in the 12-1 report would take care of the issue, in my belief, and I would ask that you vote in opposition to the Ought Not to Pass, which happens to be the one, and move on to the alternate potential of the 12. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion. I just want to speak very briefly to this. I actually spoke, testified, in favor of this bill before the committee. I think that the Senator from Oxford is absolutely right, this is a very real problem. However, the solution that came out of the committee report I can't agree with. I think that there are much simpler ways we could handle this and I do think that when the Legislature convenes in the 128th Legislature, before the next gubernatorial election, it would be incumbent on us to get together, come back to the drawing board, and see if we could fix this problem. I'd be

more than happy to join the Senator from Oxford to help do that, God willing that we're both still here. Thank you very much.

At the request of Senator **LIBBY** of Androscoggin, Reports **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#647)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **CYRWAY** of Kennebec to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Improve Student Retention In Maine's Postsecondary Institutions

S.P. 84 L.D. 215
(C "A" S-21)

Placed on the Special Appropriations Table - April 29, 2015, by Senator **HAMPER** of Oxford

Pending **ENACTMENT**, in concurrence

(In Senate, April 14, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-21)**.)

(In House, April 28, 2015, **PASSED TO BE ENACTED**.)

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-21)**.

On further motion by same Senator, Senate Amendment "A" (S-489) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-21) AND SENATE AMENDMENT "A" (S-489), in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, To Provide The Engineering Study And Planning Needed For A Statewide, Centrally Located Emergency Services Training Facility And Several Regional Training Facilities
H.P. 436 L.D. 655
(C "A" H-528)

Placed on the Special Appropriations Table - March 16, 2016, by Senator **HAMPER** of Oxford

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 10, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528)**, in concurrence.)

(In House, March 15, 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 Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528)**, in concurrence.

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" (H-528), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-502) to Committee Amendment "A" (H-528) **READ** and **ADOPTED**.

Committee Amendment "A" (H-528) as Amended by Senate Amendment "A" (S-502) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528) AS AMENDED BY SENATE AMENDMENT "A" (S-502) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Provide Tax Fairness And To Lower Medical Expenses For Patients Under The Maine Medical Use Of Marijuana Act
S.P. 312 L.D. 867
(C "A" S-178)

Placed on the Special Appropriations Table - June 9, 2015, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, June 4, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-178)**.)

(In House, June 8, 2015, **PASSED TO BE ENACTED**.)

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-178)**.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **HAMPER** of Oxford, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-178).

On further motion by same Senator, Senate Amendment "B" (S-505) to Committee Amendment "A" (S-178) **READ** and **ADOPTED**.

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

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

Senator **VALENTINO**: Thank you very much, Mr. President. I just want to mention that on this bill it was a unanimous report out of the Taxation Committee and the Appropriations Committee voted 10-1 Ought to Pass as Amended. There is no General Fund impact. The money is all coming from the Medical Use of Marijuana Fund, so there will be no impact on the General Fund. Thank you.

THE PRESIDENT: The pending question before the Senate is Adoption of Committee Amendment "A" (S-178) as Amended by Senate Amendment "B" (S-505) thereto, in Non-concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#648)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, WILLETTE, WOODSOME

NAYS: Senators: BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, ROSEN, WHITTEMORE, THE PRESIDENT - MICHAEL D. THIBODEAU

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, Committee Amendment "A" (S-178) as Amended by Senate Amendment "B" (S-505) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-178) AS AMENDED BY SENATE AMENDMENT "B" (S-505) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Require The State To Adequately Pay For Emergency Medical Services

H.P. 1006 L.D. 1465
(C "A" H-547)

Placed on the Special Appropriations Table - March 29, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 24, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547)**, in concurrence.)

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

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" (H-547)**, in concurrence.

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" (H-547).

On further motion by same Senator, Senate Amendment "A" (S-496) to Committee Amendment "A" (H-547) **READ** and **ADOPTED**.

Committee Amendment "A" (H-547) as Amended by Senate Amendment "A" (S-496) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547) AS AMENDED BY SENATE AMENDMENT "A" (S-496) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Simplify And Expand The Educational Opportunity Tax Credit

S.P. 678 L.D. 1657
(C "A" S-438)

Placed on the Special Appropriations Table - March 30, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 28, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438)**.)

(In House, March 29, 2016, **PASSED TO BE ENACTED**.)

On motion by Senator **VALENTINO** 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-438)**.

On further motion by same Senator, Senate Amendment "A" (S-509) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438) AND SENATE AMENDMENT "A" (S-509), in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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:

Acts

An Act To Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State
H.P. 207 L.D. 313
(H "A" H-640 to C "A" H-616)

An Act To Amend the Child Protective Services Laws
H.P. 842 L.D. 1224
(C "A" H-629)

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.

An Act To Establish Peer Center Reimbursement
H.P. 576 L.D. 842
(C "A" H-649)

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

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

COMMUNICATIONS

The Following Communication: H.C. 522

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

April 11, 2016

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted Report "B" Ought to Pass as Amended of the Committee on State and Local Government on Bill "An Act To Clarify the Appointment Process" (S.P. 690) (L.D. 1681) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-474).

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on State and Local Government on Bill "An Act To Promote Recruitment and Retention of State Employees" (S.P. 680) (L.D. 1663).

The House voted today to insist on its former action whereby it accepted Report "A" Ought Not to Pass of the Committee on Criminal Justice and Public Safety on Bill "An Act Relating to Penalties for Drug Offenses" (S.P. 672) (L.D. 1647)

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Establish a Presidential Primary System in Maine"

S.P. 685 L.D. 1673

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-511)**.

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
GOLDEN of Lewiston
HANINGTON of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
SCHNECK of Bangor
TURNER of Burlington

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

Signed:

Representative:

DILLINGHAM of Oxford

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-511) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry

H.P. 1158 L.D. 1693

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-662)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-662)**.

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

READ ONCE.

Committee Amendment "A" (H-662) **READ** and **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Workplace Safety by Simplifying and Improving Employers' Substance Abuse Policy Requirements"

H.P. 937 L.D. 1384
(C "B" H-625)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-624)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-625)** (6 members)

In House, April 1, 2016, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624)**.

In Senate, April 11, 2016, on motion by Senator **VOLK** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-625)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-625)**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**, in **NON-CONCURRENCE**.

Senator **VOLK** of Cumberland moved the Senate **INSIST**.

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, what will happen if we support the Insist motion is it'll die between the Bodies. I'm going to be voting in opposition to this Insist motion because I want to make sure that we do something from the drug testing standpoint because the committee did come to agreement, at least on six points, and I think at this time, I may have messed up a little bit, what I'd like to say is I would ask you to vote against the Insist motion and we can do something good for the state of Maine employers and employees.

On motion by Senator **VOLK** of Cumberland, the Senate **INSISTED**.

Non-Concurrent Matter

Joint Order, Directing the Joint Standing Committee on Veterans and Legal Affairs To Report Out a Bill Exempting Federally Recognized Tribes from State Gaming Laws for Certain Types of Gaming

H.P. 1140

In House, March 31, 2016, **PASSED**.

In Senate, April 11, 2016, on motion by Senator **MASON** of Androscoggin, Joint Order **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**, in **NON-CONCURRENCE**.

On motion by Senator **MASON** of Androscoggin, the Senate **INSISTED**.

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:

COMMUNICATIONS

The Following Communication: S.C. 976

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

April 11, 2016

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1532, "An Act to Clarify Financial Responsibility in Gestational Carrier Agreements."

Like most legislation, this bill is deceptively titled. The title implies that it simply seeks to clarify the language of private, gestational carrier agreements. Rather, this bill proposes the creation of a new, statutory liability scheme that runs roughshod over the terms of these private, gestational carrier agreements by prescribing financial liability. Under this bill, not only will the intended parents be welcoming a new child into their life, but also the hospital's billing department, backed up by the force of State law, will be standing in the delivery room looking for payment.

I understand that under these private agreements, intended parents typically agree to cover the costs of healthcare. What I do not hear is there is an epidemic of these parents skipping out on their obligations, at least not to the degree that legislation and State interference in these situations are necessary. Rather, this is more legislating by anecdote and laws being proposed and written by special interests—in this case, Maine's hospitals.

For these reasons, I return LD 1532 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Clarify Financial Responsibility in Gestational Carrier Agreements (EMERGENCY)

S.P. 594 L.D. 1532

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 (#649)

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

NAYS: Senators: MCCORMICK, WILLETTE

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, and 33 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Tuesday, April 12, 2016, at 10:00 in the morning.