

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

In Senate Chamber
Thursday
March 24, 2016

Ordered, the House concurring, that when the Senate adjourn they do so until Monday, March 28, 2016, at 10:00 in the morning and House adjourn until 9:30 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Senate called to order by President Pro Tempore Anne M. Haskell of Cumberland County.

Prayer by Pastor Michael H. Richards, Falmouth Congregational Church, United Church of Christ.

PASTOR RICHARDS: Please join me in the spirit of prayer. O God, we gather this morning to conduct the work before us as members of the Senate of the State of Maine. We gather in a world that seems to have turned itself upside down with violence and cruelty. We hear of terror around the world, in our own country, and in our own state. Tasked with the job of working for the people of Maine, help us amidst the turmoil around us to focus on what is needed for the best of the people whom we serve. Grant us Your guidance as we consider the work before us today. Help us to put aside the influence of outside pressures and focus on what is best for all the people and institutions of this great state. May we work with integrity and exhibit the high ethical standards that are expected of us. We ask Your blessing on our deliberations. Guide us not only today but each and every day that we have the privilege of serving others. In Your name, Most Holy One, we pray. Amen.

Pledge of Allegiance led by Senator Dawn Hill of York County.

Reading of the Journal of Wednesday, March 23, 2016.

Doctor of the day, Lisa Ryan, D.O. of Naples.

Off Record Remarks

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

Out of order and under suspension of the Rules, on motion by Senator **MASON** of Androscoggin, the following Joint Order:
S.P. 688

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Regarding Home Care Service Rates for Serving Persons with Complex Medical Needs

S.P. 657 L.D. 1619

In Senate, March 22, 2016, on motion by Senator **BRAKEY** of Androscoggin, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-408)**, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Off Record Remarks

Joint Resolution

The following Joint Resolution:

H.P. 1139

**JOINT RESOLUTION
TO RECOGNIZE MARCH 2016
AS SOCIAL WORK MONTH**

WHEREAS, social workers have paved the way for change by enhancing the well-being of all people, especially the most vulnerable in society; and

WHEREAS, social workers have helped lead America's struggle for social justice and continue to advocate for positive social change and, more than the members of any other profession, social workers recognize that more must be done to address the persistent social problems that plague the State; and

WHEREAS, social workers support diverse families in every community and understand that individuals and communities together can bring about change; and

WHEREAS, social workers advocate for the rights of women, ethnic minorities and members of the LGBTQ community; and

WHEREAS, social workers advocate for children's rights to a safe environment and a good education; and

WHEREAS, social workers work to ensure good care is provided to older adults; and

WHEREAS, social workers help provide community support for veterans and their families after their service; and

WHEREAS, social workers strive to improve access to mental health treatment and health care services in order to save lives; and

WHEREAS, social workers effect change and put the ideals of citizenship into action every day through legislative, regulatory and social policy efforts; 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 March 2016 as Social Work Month; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine chapter of the National Association of Social Workers.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 891

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

March 22, 2016

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Appropriations and Financial Affairs has had under consideration the nomination of Philip A. Brookhouse of Auburn, for appointment to the Maine Public Employees Retirement System Board of Trustees.

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

YEAS Senators 3 Hamper of Oxford, Katz of Kennebec, Valentino of York

Representatives 9 Rotundo of Lewiston, Frey of Bangor, Grant of Gardiner, Jorgensen of Portland, Martin of Eagle Lake, Nutting of Oakland, Sanborn of Gorham, Sirocki of Scarborough, Winsor of Norway

NAYS 0

ABSENT 1 Rep. Timberlake of Turner

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Philip A. Brookhouse of Auburn, for appointment to the Maine Public Employees Retirement System Board of Trustees be confirmed.

Signed,

S/James M. Hamper
Senate Chair

S/Margaret R. Rotundo
House Chair

READ and **ORDERED PLACED ON FILE**.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 127th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#543)

YEAS: Senators: None

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

EXCUSED: Senators: LIBBY, MILLETT

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Philip A. Brookhouse** of Auburn for appointment to the Maine Public Employees Retirement System Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 892

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

March 23, 2016

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

Dear Secretary Priest:

Pursuant to my authority under Senate Rule 201.3, I am pleased to appoint the Senator from Cumberland, Senator Haskell to serve as President Pro Tempore. With this appointment Senator Haskell will serve as President Pro Tempore for the start of the regularly scheduled session on March 24, 2016.

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

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 893

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

March 22, 2016

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

Dear President Thibodeau,

This is to inform you that I am today nominating Dr. Carlann M. Welch of North Yarmouth for appointment to the Maine Commission on Indigent Legal Services.

Pursuant to Title 4, MRSA §1803, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 894

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

March 23, 2016

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

Dear President Thibodeau:

This is to inform you that I am today nominating David S. Stapp of Bremen for appointment to the Efficiency Maine Trust Board.

Pursuant to Title 35-A, MRSA §10103, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by President Pro Tempore
ANNE M. HASKELL of Cumberland County.

ORDERS

Joint Resolution

On motion by Senator **LANGLEY** of Hancock (Cosponsored by Representative **KORNFELD** of Bangor and Senator: **MILLETT** of Cumberland, Representatives: **DAUGHTRY** of Brunswick, **FARNSWORTH** of Portland, **HUBBELL** of Bar Harbor, **PIERCE** of Falmouth, **POULIOT** of Augusta, **STEARNS** of Guilford, **TIPPING-SPITZ** of Orono), the following Joint Resolution:
S.P. 687

**JOINT RESOLUTION
RECOGNIZING THE IMPORTANCE OF EDUCATION TO
PREVENT SERIOUS SUBSTANCE USE DISORDERS**

WHEREAS, substance use disorders occur when the recurrent use of alcohol or drugs causes clinically and functionally significant impairment, such as health problems, disability and inability to meet major responsibilities at work, school or home; and

WHEREAS, rates of serious substance use disorders, including opioid addiction, are rising in Maine; and

WHEREAS, children are especially susceptible to influences that may lead them to experiment with drugs and alcohol and eventually develop substance use disorders; and

WHEREAS, effective substance use prevention education brings to children the knowledge and skills necessary to recognize the risks of substance use; and

WHEREAS, successful substance use prevention education involves schools, law enforcement, community organizations and individuals; and

WHEREAS, Maine's system of learning results includes substance use prevention education among the health education content areas; and

WHEREAS, the Department of Education and the Department of Health and Human Services have collaborated to produce the Maine School Substance Use Policy Guide for schools to use when adopting a substance use prevention education policy and curriculum; and

WHEREAS, the Maine School Substance Use Policy Guide provides a toolkit for schools to use to implement substance use prevention education policies and curricula; and

WHEREAS, the Legislature recognizes the importance of local policies and curricula to implement effective substance use prevention education programs; and

WHEREAS, the Legislature encourages the ongoing development of the Maine School Substance Use Policy Guide and its use in schools; 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 essential role of substance use prevention education in preventing serious substance use disorders and encourage the use of the Maine School Substance Use Policy Guide.

READ.

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

Senator **LANGLEY:** Thank you, Madame President. Men and women of the Senate, I rise today to support the Education Committee's continued support of substance abuse education. We had a bill this session that would require the DOE to create a

model policy for substance abuse education for use in Maine schools, but the DOE has, indeed, a model policy which helps local districts to develop policies around substance abuse education. In our committee what we learned from the folks that are experts in this field is that schools do have these policies but it's helpful to us, as a community and as a state, to keep bringing this issue forward and keeping it in our sights, hence this Resolution being in front of you today.

I would like to tell you a quick story about this past session. Each member of the Education Committee, as part of a project, spent a day shadowing a principal in a local school. On the day that I chose and went to shadow a principal in my district I arrived at 7 a.m. on a Friday and at 7:15 in the morning we had a meeting with the guidance department and the councilors, the social workers, to develop a plan for what to do with a brother and a sister, how they might have to move this brother and sister to a safe house if their father, when released from jail, were to show up at school to find them. He was in jail for holding the family hostage the weekend before at knife point while high on drugs. For me, seeing this firsthand in the schools and what the schools have to deal with, it, unfortunately, is in their midst every single day. This, to me, is an example of the issue that would require a community, state, and federal solution in our country. The reason that you see this in front of us today is just as a constant reminder that we have a lot more work to do. Men and women of the Senate, thank you so much for listening.

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

Senator **GRATWICK:** Thank you very much, Madame President. Ladies and gentlemen of the Senate, I wish to also speak very briefly on this, commending the work of the Education Committee and the Department for this particular initiative. We all know about the very difficult problem presented for our society with drugs and the only way to stop this is to stop it at the very beginning so people don't even begin to think about using drugs and other substances early on in their life. An impossible task. How are we going to do that? I think we can look to the success of the anti-cigarette campaign that's been going on for the last 50 years now. It's taken a long time but it's worked. The incidence of smoking is decreased. The percentage has decreased. It's still there. There are people who make that choice but the frequency is much less than in the past and this, in the face of an enormously powerful lobby, the tobacco lobby, the money going in there, Surgeon General's reports, has made a major difference in there. It's curious. I have an exactly parallel story to that of the Senator, which is to say, having heard of the Education's visits to local schools, I, too, said, "What a good idea." I've gone to four schools in my district and it's fascinating. I have to say one of the small schools in my district, very impressed with what they doing with drug education early on and there are dealing with people proactively. They are dealing with them one at a time and it's working. We talk a great deal about solutions down the way, down the road, but the fact is if we can get kids early on it makes an enormous difference. This particular small school in my district has had remarkable success. This is certainly a pathway. I commend you and thank you for your attention.

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

Senator **CYRWAY**: Thank you for permission to speak, Madame President. Ladies and gentlemen of the Senate, I'd just like to take the moment, since this is a really great Resolution, for a reminder for the schools to pay attention to what substance abuse programs are needed in the schools. We know it's out there. We've seen the big climax of drugs in just the recent year or two here that has really taken off. I was a DARE officer in schools since 1992 and I've seen, through the years, quite a lot of changes, but also the violence. As you know, when I first started, when I was younger, we had the movie CHIPS. I actually got to meet Poncherello back when they were the number one rated show. They never drew their gun, never showed blood on TV. Today, you look at the graphic media out there now, all we see is blood, gore, swearing. You see partial nudity. There's just about everything that you see is given to our children. We really are seeing that on television, radio we're hearing it, music. It's just out there and we have to be aware of what the changes are happening and how it progresses. We challenge ourselves and the media knows it, how it challenges, when we go to test ourselves. I remember when I was a kid, when I watched my first scary movie I used to put my hand in front of my eyes. I think it was King Kong, I'm not sure. I could remember testing myself on how much I could take. We test ourselves even now. We test ourselves with these games, video games, and how you can get to the next level. The drug culture is the same way. It tests yourself to how far you can get. If we do not let our kids have the tools to make good decisions and realize what is happening because of our society and how to make those good quality decisions on peer pressure and what they're listening to and what we're exposed to we are failing our children. I tried to get the DARE program supported by the State last year and next year I probably will do the same thing, but I think that we really need to get it back into the schools. We do have violence in the schools and I've been at schools when I've had a parent come at our school, or was attempting to come to our school, when high on cocaine. The wife said she wanted a divorce and he said, "Well, I'm going to go get my kids whether you want to or not." He loaded his 30-06 and headed to the school. We had a lockdown and we managed to get him just before he got to the school. The child, the parent's child, really was traumatized by that. She was part of that lockdown and when I had her in 5th grade, she was a 1st grader then, I managed to have her in DARE in 5th grade and also in 8th grade, when she actually spoke to the students and told her experience of when the father got arrested and went to prison. He got out in four years and he actually overdosed and died from cocaine use. There are some serious situations out there. We really need that education in the schools. I thank you for this Resolution and I think that we really need to take a look at how we can get education into the schools. Thank you.

On motion by Senator **LANGLEY** of Hancock, **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend Certain Education Laws" (EMERGENCY) H.P. 1069 L.D. 1576

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-585)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585)**.

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

READ ONCE.

Committee Amendment "A" (H-585) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Market Maine's Hunting and Fishing Opportunities" H.P. 449 L.D. 668

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-587)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-587)**.

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

READ ONCE.

Committee Amendment "A" (H-587) **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 **MARINE RESOURCES** on Bill "An Act To Create a Class II Limited Lobster and Crab Fishing License and Improve the Limited-entry System" H.P. 1026 L.D. 1503

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-588)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588)**.

Report **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Make Efficient Electric Heat Pumps Available to Utility Customers, Including Low-income Customers"

H.P. 1061 L.D. 1558

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-586)**.

Signed:

Senators:

WOODSOME of York
HILL of York
MASON of Androscoggin

Representatives:

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

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

Signed:

Representatives:

O'CONNOR of Berwick
WADSWORTH of Hiram

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-586)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-586) **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

Nine members of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Provide Income Tax Relief by Expanding Gaming Opportunities"

H.P. 876 L.D. 1280

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "E" (H-580)**.

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York
PATRICK of Oxford

Representatives:

HANINGTON of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
TURNER of Burlington

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Representatives:

DILLINGHAM of Oxford
GOLDEN of Lewiston
SCHNECK of Bangor

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "F" (H-581)**.

Signed:

Representative:

LUCHINI of Ellsworth

(Representative BEAR of the Houlton Band of Maliseet Indians supports Report "A" **Ought To Pass as Amended by Committee Amendment "E" (H-580)**.)

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

Reports **READ**.

On motion by Senator **CYRWAY** of Kennebec, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Senate

Ought to Pass As Amended

Senator BURNS for the Committee on **JUDICIARY** on Bill "An Act To Clarify Financial Responsibility in Gestational Carrier Agreements"

S.P. 594 L.D. 1532

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-427)**.

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

READ ONCE.

Committee Amendment "A" (S-427) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator McCORMICK for the Committee on **TAXATION** on Bill "An Act To Exempt from Sales Tax Meals Sold by Nonprofit Organizations"

S.P. 651 L.D. 1613

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-430)**.

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

READ ONCE.

Committee Amendment "A" (S-430) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide Ballistic Vests to State Law Enforcement Officers"

S.P. 598 L.D. 1536

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-428)**.

Signed:

Senators:

- ROSEN of Hancock
- BURNS of Washington
- GERZOFISKY of Cumberland

Representatives:

- FOWLE of Vassalboro
- CHENETTE of Saco
- DAVITT of Hampden
- GERRISH of Lebanon
- LAJOIE of Lewiston
- NADEAU of Winslow
- THERIAULT of China
- TIMMONS of Cumberland
- WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-429)**.

Signed:

Representative:

- LONG of Sherman

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-428)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-428) **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, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

ENACTORS

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

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2016-17
H.P. 1102 L.D. 1623
(C "A" H-562)

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

Ordered sent down forthwith.

Emergency Resolve

Resolve, To Establish the Commission To Continue the Study of Difficult-to-place Patients

S.P. 653 L.D. 1615
(C "A" S-398)

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

Acts

An Act To Make Certain Statutory Changes in Light of the New Maine Rules of Unified Criminal Procedure

H.P. 1108 L.D. 1632
(C "A" H-565)

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

Ordered sent down forthwith.

An Act To Improve the Workers' Compensation System

S.P. 608 L.D. 1553
(C "A" S-399)

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

An Act Regarding the Educational Opportunity Tax Credit

S.P. 634 L.D. 1587
(C "A" S-397)

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

An Act To Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes

H.P. 1094 L.D. 1603
(C "A" H-566)

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

Senate at Ease.

Senate called to order by President Pro Tempore **ANNE M. HASKELL** of Cumberland County.

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

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

Senate called to order by the President.

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Pursuant to Joint Order

Senator **WOODSOME** for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish a Process for Procurement of Renewable Resources"
S.P. 689 L.D. 1676

Reported that the same be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, pursuant to Joint Order, S.P. 668.

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

Bill and accompanying papers **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Sent down for concurrence.

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

RECALLED FROM GOVERNOR'S DESK

An Act To Protect Maine Voters from Intimidating Video Recording at the Polls

S.P. 625 L.D. 1574
(C "A" S-366)

(In Senate, March 15, 2016, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 683), in concurrence.)

On motion by Senator **DIAMOND** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

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-366)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-366).

On further motion by same Senator, Senate Amendment "A" (S-431) to Committee Amendment "A" (S-366) **READ**.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, very briefly, this bill, as you may recall, is the videoing at the polls that both Bodies enacted and sent to the Governor. The Governor had requested that we make one change, so we recalled that bill from his desk. The change, and I consider it to be very minor, dealt with if someone had to be removed from a polling place. Instead of the warden doing the removing, as the bill stated, the warden would simply recommend to the clerk that the clerk remove them. I consider that to be a very minor change. Happy to make the change and everybody's happy, Mr. President.

On motion by Senator **DIAMOND** of Cumberland, Senate Amendment "A" (S-431) to Committee Amendment "A" (S-366) **ADOPTED**.

Committee Amendment "A" (S-366) as Amended by Senate Amendment "A" (S-431) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-366) AS AMENDED BY SENATE AMENDMENT "A" (S-431) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for 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 (3/8/16) matter:

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Law Regarding Disqualification for Unemployment Benefits during Stoppages of Work" (EMERGENCY)

H.P. 1024 L.D. 1501
(C "A" H-533)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-533)** (6 members)

Tabled - March 8, 2016, by Senator **VOLK** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** 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, I will be opposing this motion. This is a bill that tries to change a law that was put in place in 1985. One of the things about the institutional knowledge that we lose through term limits and stuff is to remember what happened, what took place, back in 1985, 31 years ago. We had a gentleman who was a lawyer that testified that actually was here with the original bill when it was installed. A lot of these labor bills should try to strike a balance between the

injured individual worker and the employer. From what I understand out of this bill, I believe this bill, the change, will not alleviate the problem. I am a firm believer that because of the limited amounts of strikes that we've had year after year, they get less and less and fewer and fewer because changes are the rules and regulations are already, in my interpretation, in balance already. This would, therefore, drive a further imbalance in the way we look at strikes. 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, what this bill does is it actually restores the employment security law to its original intent, which is to deny unemployment benefits when someone has chosen to participate in a labor dispute. Labor unions exist in order to help workers get by in the event of a strike. These strikes are voted on by the workers. In my mind, that is one of the benefits of belonging and paying dues to a labor union. Almost all states deny benefits to striking workers because they are voluntarily striking for financial gain and they have a job that they will return to. This bill would still provide benefits when the strike is for safety or if the workers were locked out or lost their job, like in the case of Hostess Baker strike. It really just clarifies, because right now what happens is that there is a lot of confusion when these workers go and they try to apply for unemployment benefits. We just need a little more clarity at the Bureau of Unemployment in order to make things a little more obvious in our law. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **VOLK** of Cumberland to Accept the Minority Ought to Pass as Amended Report, in non-concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#544)

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

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

EXCUSED: Senators: LIBBY, MILLETT

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-533) **READ** and **ADOPTED.**

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

Sent down for concurrence.

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

HOUSE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require the State To Adequately Pay for Emergency Medical Services"
H.P. 1006 L.D. 1465

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-547)**

Tabled - March 15, 2016, by Senator **HASKELL** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547)**, in concurrence

(In House, March 9, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547).**)

(In Senate, March 15, 2016, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED.**)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547), in concurrence

Ordered sent down forthwith.

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

Bill "An Act To Require Background Checks for Gun Sales"
I.B. 5 L.D. 1662

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

(In House, March 17, 2016, Bill and accompanying papers **INDEFINITELY POSTPONED.**)

Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure Nondiscrimination against Gun Owners in Public Housing" S.P. 620 L.D. 1572

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-405)** (7 members)

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

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

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

READ ONCE.

Committee Amendment "A" (S-405) **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.

Senate at Ease.

Senate called to order by the President.

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

HOUSE REPORT - from the Committee on **MARINE RESOURCES** on Bill "An Act To Create a Class II Limited Lobster and Crab Fishing License and Improve the Limited-entry System" H.P. 1026 L.D. 1503

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-588)**

Tabled - March 24, 2016, by Senator **MASON** of Androscoggin
Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, March 23, 2015, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588)**.)

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

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-588) **READ**.

On motion by Senator **BAKER** of Sagadahoc, Senate Amendment "A" (S-435) to Committee Amendment "A" (H-588) **READ** and **ADOPTED**.

Committee Amendment "A" (H-588) as Amended by Senate Amendment "A" (S-435) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588) AS AMENDED BY SENATE AMENDMENT "A" (S-435)** thereto, in **NON-CONCURRENCE**

Ordered sent down forthwith for concurrence.

Off Record Remarks

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**, pursuant to the Joint Order, until Monday, March 28, 2016, at 10:00 in the morning.