

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

STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT

In Senate Chamber  
Tuesday  
March 29, 2016

March 28, 2016

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

Senate called to order by President Pro Tempore David C. Burns of Washington County.

Dear Secretary Priest:

Prayer by Reverend Carie Johnsen, Unitarian Universalist Community Church of Augusta.

Pursuant to my authority under Senate Rule 201.3, I am pleased to appoint the Senator from Washington, Senator Burns to serve as President Pro Tempore. With this appointment Senator Burns will serve as President Pro Tempore for the start of the regularly scheduled session on March 29, 2016.

**REVEREND JOHNSEN:** It is an honor to be here with you this morning. Spirit of life, love, and all that is holy, we gather here in these hallowed halls, called by the people for the good of the people in the great state of Maine. From the fragmented world of our everyday lives, we gather together in search of wholeness. By many cares and preoccupations, by diverse and selfish aims, we are separated from one another and divided within ourselves, yet we know that no branch is utterly severed from the tree of life that sustains us all. We cherish our oneness with those around us and the countless generations that have gone before us. We would hold fast to all of the good we inherit, even as we would leave behind us the outworn and the false. We would escape bondage to the ideas of our days and from the decisions of our own fancy. Let us labor in hope for the dawning of a new day without hatred, violence, and injustice. Let us nurture the growth in our own lives, of the love that has shown in the lives of the greatness of the people, the rays of whose lamps still illumine our way. In this spirit we gather, in this spirit we pray, in this spirit we recreate the world. So may it be, may it be so. Amen.

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.**

Pledge of Allegiance led by Senator Brian D. Langley of Hancock County.

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

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)

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

Reading of the Journal of Monday, March 28, 2016.

In Senate, March 24, 2016, on motion by Senator **VOLK** of Cumberland, 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-533), in NON-CONCURRENCE.**

Doctor of the day, Joel Kase, D.O. of North Yarmouth.

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

Off Record Remarks

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

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

**Non-Concurrent Matter**

**COMMUNICATIONS**

The Following Communication: S.C. 905

Bill "An Act To Create a Class II Limited Lobster and Crab Fishing License and Improve the Limited-entry System" (EMERGENCY)  
H.P. 1026 L.D. 1503  
(S "A" S-435 to C "A" H-588)

**JOINT RESOLUTION  
RECOGNIZING THE  
STATE'S CREDIT UNIONS**

In House, March 23, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588).**

In Senate, March 24, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588) AS AMENDED BY SENATE AMENDMENT "A" (S-435) thereto, in NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588) AS AMENDED BY HOUSE AMENDMENT "A" (H-610) AND SENATE AMENDMENT "A" (S-435) thereto, in NON-CONCURRENCE.**

On motion by Senator **BAKER** of Sagadahoc, the Senate **RECEDED** and **CONCURRED.**

WHEREAS, Maine's credit unions are member-owned and member-governed financial cooperatives dedicated and committed to serving the needs of their members and communities. The nonprofit structure of credit unions provides each member with an equal voice and representation in the operations of the credit union. Serving members in all 16 Maine counties and in every community, Maine's credit unions operate with the primary purpose of benefiting the more than 667,000 Maine consumers who use credit unions; and

WHEREAS, the economic benefit that Maine's credit unions provide to Maine consumers is approximately \$46,900,000 annually, as a result of lower and fewer fees on products and services, lower interest rates on loans and higher interest rates on savings; and

WHEREAS, Maine is once again ranked as the nation's 5th strongest credit union state based on the percentage of the population that uses a credit union, a position Maine has held for 13 consecutive years. With more than 667,000 members, credit unions serve more than half the residents of the State; and

WHEREAS, the 2,200 full-time and part-time employees of Maine's credit unions and the more than 1,000 unpaid volunteers who serve on credit union boards and committees demonstrate the core credit union values, philosophy and mission of people helping people by contributing to the communities they serve, not just with financial services but by fostering a spirit that strengthens communities; and

WHEREAS, since 1990 Maine's credit unions and their members have raised \$6,500,000 to help end hunger in Maine, including a record-setting \$622,934 in 2015. One hundred percent of all money that is raised through the Maine Credit Unions' Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of Maine families and individuals who otherwise would go hungry. In addition to contributing thousands of dollars to food pantries in communities across the State, Maine's credit unions also help to provide funds for statewide initiatives to help end hunger, such as being the primary source of funding for the State's first Food Mobile. In partnership with the Good Shepherd Food Bank, the Food Mobile has delivered over 4,700,000 pounds of food to food pantries in every Maine county since it began in 2005; and

WHEREAS, the Maine Credit Unions' Campaign for Ending Hunger has a commitment to the Good Shepherd Food Bank's efforts to end childhood hunger in Maine with its support of the Good Shepherd Food Bank's BackPack and School Pantry programs, as well as other childhood hunger initiatives, serving more than 100 schools and over 3,000 students weekly and providing real help to the nearly one in 4 Maine children who are food insecure; and

WHEREAS, in 2015 Maine's credit unions contributed more than \$1,600,000 to a variety of causes and to a number of organizations, such as financial literacy programs, the American Red Cross and Special Olympics, and helped provide financial fitness fairs to a record-setting 6,411 high school students during the past school year. In the past 13 years, members of Maine's credit unions contributed more than 390,000 hours, including nearly 38,000 hours last year, volunteering for organizations and activities in communities throughout the State, making a

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**Joint Orders**

The following Joint Order:

H.P. 1145

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation shall report out, to the House, a bill to adjust the property tax valuation of Old Town following the closure of the Old Town Expera pulp mill.

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

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

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The following Joint Order:

H.P. 1146

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government shall report out, to the House, a bill directing the issuance of the senior housing bonds.

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

**READ.**

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

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**Joint Resolution**

The following Joint Resolution:

H.P. 1147

significant and positive impact not only on the organizations that received this assistance but also on the people who were served by and benefited from the services and resources provided; and

WHEREAS, since 1921 Maine's credit unions have been enhancing the lives of thousands of Maine people, who have been helped to financial success and stability. Throughout Maine, credit unions continue to play a vital economic and socially responsible role in the lives of individuals and remain a local, significant and stable presence in the communities they serve; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, take this opportunity to recognize the Maine Credit Union League and Maine's credit unions for their positive contributions and the significant role they have played in the lives of Maine citizens and their communities for more than 90 years. Their service and dedication to this State are a tribute to those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its member credit unions.

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

**READ.**

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

Senator **ALFOND:** Thank you, Mr. President. I won't take a lot of time with this Joint Resolution, but I know all over the state we have credit unions and they are incredible partners in all of our lives. A lot of us put our money in our credit unions. What I do also want to highlight is that where the credit unions are putting their philanthropy. This is their members putting their money to work on hunger in the state of Maine. If you look in the fifth paragraph of the Joint Resolution, since 1990 Maine credit unions and their members have raised over \$6.5 million, including a record setting \$622,000 just in 2015 alone. It is remarkable the difference of what members of credit unions money does to end hunger in the state of Maine. I will just talk about one partnership that is incredible, the partnership that the credit unions have with the Good Shepard Food Bank. This partnership and food mobile has delivered over 4,700 pounds of food to food pantries in every Maine county. We all know that people are struggling and without our food pantries, without the credit unions, without the money that they are raising, this wouldn't be possible. I just couldn't allow this to go without us saying something on the record. Thank you, Mr. President.

**ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: H.C. 497

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

March 28, 2016

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

Dear Secretary Priest:

The House voted today to insist on its previous action whereby it accepted the Majority Ought to Pass as Amended Report of the Committee on Health and Human Services on Resolve, Regarding Home Care Service Rates for Serving Persons with Complex Medical Needs (S.P. 657) (L.D. 1619).

Sincerely,

S/Robert B. Hunt  
Clerk of the House

**READ** and **ORDERED PLACED ON FILE.**

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The Following Communication: H.C. 498

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

March 28, 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 Not to Pass Report of the Committee on Taxation on Bill "An Act To Eliminate the Maine Estate Tax" (H.P. 1101) (L.D. 1622).

Sincerely,

S/Robert B. Hunt  
Clerk of the House

**READ** and **ORDERED PLACED ON FILE.**

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The Following Communication: H.C. 495

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

March 21, 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 778, "Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-Filed Major Substantive Rule of the Maine Commission on Indigent Legal Services."

This legislation approves Maine Commission on Indigent Legal Services' rulemaking that modifies requirements that must be met in order for attorneys to accept certain, specialized cases. The entire system for providing indigent defense is a bad deal for Maine, and I do not support making incremental changes to a system that is in need of fundamental reform.

The Commission and the current system for providing indigent legal services were established in 2009 in order to separate this function from the Judicial Branch. In that time, the budget for the Commission has grown year over year from a little over \$10.5 million in fiscal year 2011 to the budgeted amount of more than \$19 million for the current fiscal year. Not only has the budget for these services exploded, but also there seems to be no way to predict this growth. As the Legislature well knows, it is asked almost every fiscal year to provide additional, unbudgeted supplemental funding to this Commission because nobody seems to be able to manage (or predict) this spending. In fact, I understand that the Commission is now seeking over \$3 million in unbudgeted supplemental funding for the second year of the biennium.

I have proposed the creation of a public defender system to regularize the costs of providing this service and to improve the quality of services we provide to who need these legal services. The proposed program would result in significant savings over the long-term. Unfortunately, when those who stood to lose – the lawyers now billing the State – showed up in force to keep taxpayer dollars flowing in their direction, legislators wilted and opted for the *status quo*. I will not enable this system. For these reasons, I return LD 778 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 Resolve:

Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)

H.P. 531 L.D. 778

Comes from the House, 109 members having voted in the affirmative and 33 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Resolve become law notwithstanding the objections of the Governor.

The Chair noted the absence of the Senator from Franklin, Senator **SAVIELLO**, and the Senator from Kennebec, Senator **KATZ**, and further excused the same Senators from today's Roll Call votes.

The President Pro Tempore laid before the Senate the following: "Shall this Resolve 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 Resolve. 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 (#556)**

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, COLLINS, CYRWAY, DAVIS, DIAMOND, DILL, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT, PATRICK, ROSEN, THIBODEAU, VALENTINO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE DAVID C. BURNS

NAYS: Senators: CUSHING, EDGECOMB, MCCORMICK, WILLETTE

EXCUSED: Senators: KATZ, SAVIELLO

28 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 2 Senators being excused, and 28 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 Resolve become law notwithstanding the objections of the Governor.

**SENATE PAPERS**

Bill "An Act To Clarify the Appointment Process"  
S.P. 690 L.D. 1681

Presented by Senator GERZOFKY of Cumberland.  
(GOVERNOR'S BILL)  
Cosponsored by Senator: CUSHING of Penobscot.

On motion by Senator **WHITTEMORE** of Somerset, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

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

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## ORDERS

### Joint Orders

Expressions of Legislative Sentiment recognizing:

Michael Aspinall, of Unity, a member of Boy Scout Troop No. 233, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Boy Scouting and is given for excellence in skills development, leadership, personal growth and community service. We extend our congratulations to him on this achievement;

SLS 1064

Sponsored by President **THIBODEAU** of Waldo.  
Cosponsored by Representative: **KINNEY** of Knox.

### READ.

**THE PRESIDENT PRO TEMPORE:** The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you, Mr. President. I appreciate the opportunity just to address the Senate just briefly and tell you about a very special young man that's joining us today. Mike Aspinall of Thorndike is a proud Eagle Scout and I don't think that him or his family or anyone of us could be more proud of Michael's accomplishments. It takes dedication to ever become an Eagle Scout, as all of us in this Chamber know. I want to assure you that Michael is a wonderful young man and his folks are very proud of him, and I think his entire community is. Michael chose to do a project rebuilding some local dugouts that were on the verge of collapse. He did a fine job. I was looking at some pictures of his project earlier today and I want to assure you that it looks like the entire troop was involved and they really did a nice, nice job there. Young people from the Thorndike area will be able to enjoy their dugouts for decades to come because of his Eagle Scout project. I just wanted to rise and tell you about this young man and his great accomplishments this morning. Thank you.

### PASSED.

Sent down for concurrence.

**THE PRESIDENT PRO TEMPORE:** The Chair is pleased to recognize in the rear of the Chamber today Michael Aspinall; his mother, Julie; dad, Chris; sister, Jensen, all of Thorndike. They are the guests today of the Senator from Waldo, Senator

Thibodeau. Would the guests please rise and accept the greetings of the Maine Senate.

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The Portland High School Boys Basketball Team, of Portland, which won the 2016 Class AA State Championship. We extend our congratulations to the members of the team on this achievement and offer them our best wishes;  
SLS 1066

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 PRO TEMPORE:** The Chair recognizes the Senator from Cumberland, Senator Alford.

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's a pleasure to be up today to talk about the Portland Bulldogs, again a State Champion but this time in Class AA. This is becoming an old hat for us in Portland, winning State Championships in basketball. There was a blip last year but we righted the ship and now we are back in the championship banner. Portland finished the season 20-1. This time it was a little odd because of the new class system. Portland was facing off against South Portland, which is very hard to compete against one of my fellow State Senators, but it was a double overtime game. It was a magical moment for Portland, South Portland, all the players involved. Once again, Joe Russo, the coach of the Portland Bulldogs, led their team to a victory and it was a remarkable experience for all the boys and the team and a great win for the Bulldogs. One player on the team, Amar Moss, not only played well in the game, he happened to score ten of the points in the fourth quarter, the only two points in the first overtime, and had the go-ahead basket in the second overtime, he not only had an excellent game but he had an excellent season. Amar was just chosen as Maine Sunday Telegram's Boys Basketball Player of the Year, which is a wonderful recognition for him and also his teammates. We all know that basketball, and most sports, is a team sport and he couldn't have accomplished it without his four other teammates and other teammates on the bench and a great coaching staff. I'm up here today to once again congratulate the Portland Bulldogs for another State Championship and I would love for the Sentiment to be read.

At the request of Senator **ALFOND** of Cumberland, **READ.**

### PASSED.

Sent down for concurrence.

**THE PRESIDENT PRO TEMPORE:** The Chair would like to recognize in the Gallery Portland High School Boys Basketball Team. Would they please rise and accept the greetings of the Maine Senate.

Off Record Remarks

Senator **BREEN** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **BREEN**: Thank you so much, Mr. President. Now that Senator Alford has gone on and on about the teams in his district, I can't help but get up and recognize the fine athletic prowess, skill, talent, and commitment of two of Falmouth High School's State Championship Teams. The first is the Girls Alpine Team. As a child of Title 9, I can never resist reminding everybody that my mother had no options to play organized sports in her school days. I was the first in my generation and now it's just a given that our girls are out there in every athletic pursuit, sometimes reaching the very highest heights. I also want to say that the Boys Basketball Team had a stellar year, led by a number of senior and their legendary coach, Mr. Halligan. On a personal note, Mr. President, many of these champions are in the senior class at Falmouth High School, where my son is also a senior, and I've had the enormous privilege and honor of getting to know these kids since they were back in the days of T-ball and youth soccer, running around in little herds and chasing balls. It's just been an enormous privilege to be a leader in the community and to see these kids excel and to represent our community so well at the state level. Thank you so much, Mr. President.

**THE PRESIDENT PRO TEMPORE**: Would the two teams please rise and accept the greetings of the Maine Senate.

Senate at Ease.

Senate called to order by President Pro Tempore **DAVID C. BURNS** of Washington County.

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act To Increase the Safety of Social Workers"

H.P. 1022 L.D. 1499

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-605)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605)**.

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

**READ ONCE.**

Committee Amendment "A" (H-605) **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 **HEALTH AND HUMAN SERVICES** on Resolve, Establishing the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum (EMERGENCY)  
H.P. 1119 L.D. 1644

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-606)**.

Signed:

Senator:  
HASKELL of Cumberland

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

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

Signed:

Senators:  
BRAKEY of Androscoggin  
McCORMICK of Kennebec

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-606)**.

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "A" (H-606) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Promote Individual Private Savings Accounts through a Public-private Partnership"  
H.P. 896 L.D. 1318

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

Signed:

Senators:  
WHITTEMORE of Somerset  
BAKER of Sagadahoc

Representatives:  
FOLEY of Wells  
MORRISON of South Portland  
PICCHIOTTI of Fairfield  
PRESCOTT of Waterboro  
WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-555)**.

Signed:

Senator:  
GRATWICK of Penobscot

Representatives:  
BECK of Waterville  
BROOKS of Lewiston  
COOPER of Yarmouth  
MELARAGNO of Auburn  
TUCKER of Brunswick

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Streamline Judicial Review of Certain Land Use Decisions"  
H.P. 528 L.D. 775

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-602)**.

Signed:

Senators:  
BURNS of Washington  
VOLK of Cumberland

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-603)**.

Signed:

Senator:  
JOHNSON of Lincoln

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602)**.

Reports **READ**.

On motion by Senator **VOLK** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602)** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-602) **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-602)**, in concurrence.

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**Senate**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners"  
S.P. 617 L.D. 1565

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-443).**

Signed:

Senators:

BURNS of Washington  
JOHNSON of Lincoln  
VOLK of Cumberland

Representatives:

HOBBS of Saco  
EVANGELOS of Friendship  
GINZLER of Bridgton  
HERRICK of Paris  
McCREIGHT of Harpswell  
MOONEN of Portland  
MONAGHAN of Cape Elizabeth  
SHERMAN of Hodgdon  
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-444).**

Signed:

Representative:

GUERIN of Glenburn

Reports **READ.**

On motion by Senator **VOLK** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-443)** Report **ACCEPTED.**

**READ ONCE.**

Committee Amendment "A" (S-443) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-443).**

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 Regarding the Election Laws

S.P. 582 L.D. 1484  
(C "A" S-350; S "A" S-359)

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

Ordered sent down forthwith.

\_\_\_\_\_  
**Emergency Measure**

An Act To Amend Certain Education Laws

H.P. 1069 L.D. 1576  
(C "A" H-585)

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

Ordered sent down forthwith.

\_\_\_\_\_  
**Emergency Measure**

An Act To Amend the Laws Relating to Endangered and Threatened Species

S.P. 663 L.D. 1636  
(C "A" S-421)

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

Ordered sent down forthwith.

\_\_\_\_\_  
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 Washington, Senator **BURNS**, to his seat on the floor.

Senate called to order by the President.



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Off Record Remarks  
\_\_\_\_\_

**Acts**

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#557)**

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

NAYS: Senators: None

34 Senators having voted in the affirmative and no Senator having voted in the negative, 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.

\_\_\_\_\_  
An Act To Enable Low-income and Other Customers Greater Access To Efficient Electric Heat Pumps through Unique Financing and Third-party Installation and Maintenance  
H.P. 1061 L.D. 1558  
(C "A" H-586)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#558)**

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

NAYS: Senators: None

34 Senators having voted in the affirmative and no Senator having voted in the negative, 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.

\_\_\_\_\_  
An Act To Market Maine's Hunting and Fishing Opportunities  
H.P. 449 L.D. 668  
(C "A" H-587)

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

\_\_\_\_\_  
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)

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

\_\_\_\_\_  
An Act To Require the State To Adequately Pay for Emergency Medical Services  
H.P. 1006 L.D. 1465  
(C "A" H-547)

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

An Act To Provide Ballistic Vests to State Law Enforcement Officers and Certain Other State Agents  
S.P. 598 L.D. 1536  
(C "A" S-428)

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

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

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**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass Pursuant to Resolve**

Senator **LANGLEY** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement Certain Recommendations of the Task Force on School Leadership" (EMERGENCY)

S.P. 691 L.D. 1684

Reported that the same **Ought to Pass**, pursuant to Resolve 2015, chapter 46, section 7.

Report **READ**.

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

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

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

H.P. 1150 L.D. 1680

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **WHITTEMORE** of Somerset, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later Assigned (2/25/16) matter:

Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)  
H.P. 1002 L.D. 1460

Tabled - February 25, 2016, by Senator **MASON** of Androscoggin

Pending - **CONSIDERATION**

(In House, February 23, 2016, **VETO OVERRIDDEN** and the Resolve **FINALLY PASSED**, notwithstanding the objections of the Governor.)

(In Senate, February 25, 2016, Veto Communication (H.C. 451) **READ** and **ORDERED PLACED ON FILE**.)

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

**SENATE PAPERS**

Bill "An Act To Increase Penalties for the Use of Violence against Firefighters"

S.P. 692 L.D. 1683

Presented by Senator **CYRWAY** of Kennebec.  
Cosponsored by Representative **LUCHINI** of Ellsworth and Representatives: **HANINGTON** of Lincoln, **KINNEY** of Limington, **LONGSTAFF** of Waterville, **NADEAU** of Winslow, **TURNER** of Burlington.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **ROSEN** of Hancock, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

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The President laid before the Senate the following: "Shall this Resolve 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 Resolve. 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 (#559)**

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

NAYS: Senators: None

34 Senators having voted in the affirmative and no Senator having voted in the negative, and 34 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 Resolve become law notwithstanding the objections of the Governor.

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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 Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs"

S.P. 602 L.D. 1541

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-403)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-404)** (5 members)

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

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-403)** Report

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

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

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

Senator **GERZOFsky**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I do rise today in opposition of this bill. I rise in opposition for many different reasons, least of which because we have had a law on our books that carried a misdemeanor offense that we very, very seldom use. The reason we seldom used it, Mr. President, is because it's terribly hard to prove. It's very costly. We have much other stricter bills, laws, that we can get people on, such as trafficking. The simple importation, a driver across the border with a trace amount of drugs that might be coming across the border, coming home from events that were held out-of-state. There's nothing here about dealing. There's nothing here about trafficking. There's nothing here that warrants, in my estimation, a felony charge, which is going to destroy the rest of a person's life. It's going to ban them from school. It's going to ban them from doing business with banks, getting jobs, finding a place to live. It's a lifetime sentence. I think we should take very seriously whenever we're going to elevate a crime up into a felony because it's a lifetime sentence, as I just said. It's going to affect a person the rest of their life. For simple possession, not for dealing, not for having enough drugs on you to even imply that you are dealing, strictly a personal stash in your pocket, a small amount, I find offensive. I find it very difficult to even speak about because the title of the bill is so impressive but the actual implementation of the bill isn't. The federal government is the ones that bring these charges normally. The State of Maine doesn't. Some would say they don't bring it because there's such a small penalty. I do not believe that a year, up to a year, in jail, 364 days, up to a \$1,000 fine, is something to snicker at. I think that's a sentence. I think it's a serious sentence, especially when you're not being accused of dealing or trafficking, just simply driving across the border. I listened to this bill. I've talked to the sponsor of this bill many times. We were hoping that we could find a place where we could agree, but the difference between 364 days and \$1,000 and 5 years in jail with \$10,000 is a big difference. We couldn't come to an agreement on this, so I'm standing here opposing this. I hope people will think about the reality, not the reality TV but the reality of our constituents and what this is going to do to them. All it's going to take is one person getting pulled over because they have a taillight out and have a trace amount of a drug on them, it's almost any drug, and the consequences is going to be the rest of their life. I'm standing in opposition to this and I hope others will also. Thank you, Mr. President.

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

Senator **DIAMOND**: Thank you, Mr. President. Ladies and gentlemen of the Senate, it's not often that I would disagree with my seatmate, especially in areas like this and Criminal Justice and Public Safety issues, but I do disagree, respectfully, with the position he's taken. I would ask you to support this bill, L.D. 1541, and the Majority Report. Let's talk about what this does. It defines illegal importation. It gives the factors of what those reasons would be. It would be prior convictions, involvement of a firearm, involvement of a minor in the importation, involvement of large quantities of drugs, and death of a person caused by a schedule W. Those are pretty heavy factors. Now we might say; what if someone is caught in this circle, they're caught in this web,

and it really doesn't work for the judge, doesn't work for the court? There is in this bill, Report A, that there are exceptions and the court has discretion. That discretion is quite wide-reaching to avoid the unintended consequence situation. It includes those exceptions that can be, or would result in, a substantial injustice to the defendant. The defendant did not know, and reasonably should not have known, the victim, in the case of a minor, was less than 18 or it will have an adverse effect on public safety, and the defendant's background, attitude, and prospects of rehabilitation are frustrated. There are a lot of good reasons. This report is well thought out. This is something we're been dealing with, as a state, and we see how serious it is, the importation of drugs. I would ask you to think about that. I would ask you to think about the discretion the courts have. Think about the factors that define what this illegal importation would be. If you put that together, it's hard not to support the Majority Report, Mr. President. Thank you very much.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I hate to also disagree with my good seatmate, Senator Gerzofsky, but I think he hit on a term that I want to reiterate, and that's the reality of the situation. The reality of the situation, ladies and gentlemen, is that things have changed in this state. We now know where most of our poison is coming from and we know how little it takes to impact, devastate, and even take lives away from our citizens. It's coming, to a great extent, from out-of-state. It's not coming in trace amounts, as was mentioned, but it's coming in measurable amounts. Measurable amounts, as you read the bill, would indicate that people are coming here not to use. People are coming here to make money, to sell the poison in our state. I would suggest to you that penalties do matter. You hear over and over again penalties don't matter when somebody is dealing in drugs. I beg to differ. It may not matter when you are a user, but it matters if you're in the business for profit. Penalties make a big difference. Businesspeople, which is, unfortunately, what these folks are, look at the penalties. They look at the incarceration. They look at the monetary. They look at the loss of vehicles or possessions that they might have at the time that they are dealing. They weigh the consequences. If the consequences are too great here in our state they will go someplace else. Those other states will have to deal with their issues. Right now we are trying to deal with this incredibly serious epidemic that we are facing. I don't want to try to be emotional, but as I mentioned this morning in caucus, we lost another teenager up in Machias this past weekend because of this scourge. We need to put a stop to it. We need to stop the people that are flowing across the borders because they see us as a cash cow. This, to me, is one opportunity for us to take advantage of doing that and put a stop to it. I would ask you to support this proposal. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise before you today to support the Majority Report on L.D. 1541, An Act to Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs. In early January of this year three men were arrested in Southern Maine

in what is being considered the Maine Drug Enforcement Agency's largest crack cocaine seizure ever in the state. In this particular instance, police seized crack cocaine, a substantial amount of heroin, six handguns, and \$27,000 in cash. To quote Public Safety spokesman Stephen McCausland, when asked about this particular arrest, he stated, "The arrest and seizures is another example of out-of-state drug distributors transporting large amounts of drugs into Maine and selling them through local dealers." A more recent arrest in Mid-Coast Maine involved several individuals, two of whom were residents of New York State. These two New Yorkers rented cars every week to travel to New York to bring heroin and crack back to Maine, where it was sold in-state. This, ladies and gentlemen, is just two examples of drug importation that leads to arrest within one month of each other. This is happening daily here in Maine and the drug epidemic is worsening. Kennebec Journal, this last Sunday, stated heroin use has tripled in the last three years. This session we have been focused on fighting this war on drugs. I've been energized by the fact that this has become a top priority for so many of my colleagues. As all of you know, for 23 years I served in law enforcement and seen what it has done to families in the classrooms, outside of them on patrol, I've seen deaths, I've seen people suffer, and I've seen children taken away from families. It's not a pretty picture. This legislation proposes to increase the crime of the illegal importation of scheduled drugs from a Class C crime to a B crime if the scheduled drug is a W drug and a Class D crime to a Class C crime if the drug is a scheduled X, Y, Z drug. It also creates the crime of aggravated illegal importation of scheduled drugs. Most crimes have an aggravated level, meaning that there are additional factors making the crime even more egregious. What we're talking about here is basically when it includes an under 18 year old, a juvenile, or includes a gun, and may include a history of crimes that the individual acquired. This is basically just stiffening the laws to deter these mules to be able to go out and take this drug from out-of-state and bring it into the state and we're trying to put up a fence. One analogy that I brought up is, I grew up on a farm. We had a pasture and we had the cows. We'll say the pasture is the out-of-state location. You have a hayfield. You've got a fence between the pasture and the hayfield. The hayfield is where you kind of develop that good crop so you can have it for the winter. If you have this strong fence, the cows don't get through it, but if you have a weak one, we used to check the fence area by taking a long piece of grass and you'd put it on the fence and you get it closer and closer until you felt the zap. If got really close you knew that was a weak fence. You put that strong fence charger on there and then when you put that grass on it, it didn't matter how long it was, it flew. That really worked. That's what we want to do, we want to develop this strong charge, this strong jolt, so that people don't come here in this state, bringing drugs into this state. If we stop the supply we've really lowered the demand. That's really the key. This is one factor, one factor, of really slowing down this rate of drugs and this is where I stand. I say let's make a statement that when they come here to Maine they're not going home. That is my statement. They come here to Maine we're not going to be the enablers, saying, "Hey, it's okay to have a little heroin here. It's okay to have a little cocaine." It's not acceptable. Let's make that statement and say, "You're not going home if you're going to use." Thank you, Mr. President.

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

Senator **MILLETT**: Thank you, Mr. President. May I pose a question through the Chair?

**THE PRESIDENT**: The Senator may pose her question.

Senator **MILLETT**: Thank you, Mr. President. I have been hearing different information about the level of quantity in order to be caught within these amendment statutes, specifically around heroin. Is it lots of drugs or is it a trace of drugs? Thank you, Mr. President.

**THE PRESIDENT**: The Senator from Cumberland, Senator Millett poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY**: Thank you, Mr. President. When we're talking trace amounts, trace amounts is a very little amount that you're talking about and that is where the courts have the discretion of changing it to a drug trafficking law or a possession law. Usually when it gets to importation, importation you have to kind of prove that it came from out-of-state and it takes a little bit of homework to do that. When you get into a trace amount, very seldom is that going to be even used and usually DAs and judges will determine whether that charge is appropriate or not. They will work that. The other part of this is that when we're talking large amounts, that is where the aggravated piece comes in and that is where we did put in mandatory sentencing for two years on a Class B and four years for a Class A. This is where we need to make a statement and make sure that they understand that this isn't going to be a picnic of coming back here to Maine. With trace amounts, like I said, it is subject up to the judges and importation laws. There is a difference between importation and drug trafficking. Importation is when you are bringing, or transporting, the drug into the state, whereas drug trafficking is when you buy, sell, or trade, and you are usually a user. You're into that business. Those are not the ones where targeting. What we're targeting here is the ones that treatment is not going to work. We're talking about the mules. Treatment doesn't work for those types of people. Fines don't work for those types of people because they get a large amount of money. Time works. When you go and you say, "Wow, you've got a serious crime here you just committed. You're looking at some serious time," all of a sudden they start paying attention. You go and say, "Oh, you've got a bail of \$50,000 or \$100,000," you get into the courts and get bail money set, they find that money and that night they're bailed out. When it comes to treatment, treatment doesn't work for them because they're not hooked on it. They are just in it for the money. They're killing our families and kids and our neighbors. We have to make a strong stand here. This is not about the trafficking. It's not about the use. We're talking about just getting it here. Thank you.

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

Senator **GERZOFSKY**: Thank you again, Mr. President. Ladies and gentlemen of the Senate, to respond to that question a little bit, the difference between the two amendments is the weight, is the amount. We can talk about only the Majority amendment that's in front of, which starts off at trace amounts, small amount,

and turns that into a felony. No matter what, that's what happens. It is so hard to play by the rules, but I'm going to play by them, and thank you very much, Mr. President. It's about the weight and the difference between the two bills.

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

Senator **BURNS**: Thank you, Mr. President. I would just kind of direct the Body to the, if you will, body of the bill. It actually articulates what we're talking about here as far as amounts. There's quite a long, comprehensive list in the body of this bill that talks specifically about 300 or more pills, capsules, tablets; 100 or more in violation if you are in possession at the time of the offense. It talks about 6 grams of certain types of powders. Trying to find this on this tiny little computer here. Two hundred and seventy or more individual bags, folds, packages, envelopes, containers of any type of item containing heroin. It does articulate certain amounts as opposed to just having a trace, if you will, having traces maybe in a plastic bag or something like that. There are sufficient amounts that can be actually evaluated so that the determination can be made easily by both the agencies interdicting this as well as the court and the DA Office as to whether or not somebody is solely in possession or whether they are presumed to be dealing. I would direct you to the actual body of the bill. Thank you, Mr. President.

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

Senator **JOHNSON**: Thank you, Mr. President. I'm puzzled with some of what's been discussed on this Majority Report. Obviously all of us want someone crossing the border and bringing in quantities of drugs to sell them, we want that to be a serious offence. I'm reading what it says here and it says that it's now a Class C crime if the drug is schedule X, Y, or Z. That's before you get to the aggravated circumstances. I don't understand how we expect someone who is addicted, but is not trafficking or dealing in drugs, who visits a relative, goes to a Red Sox game, anything out-of-state and comes back is not going to be subject to a felony if they are stopped coming back into Maine. We've talked a lot this session, we've heard from a lot of people, about people that are addicted need treatment. Frankly, in my communities, law enforcement's been working hard to talk to people who are. They are aware. They haven't caught somebody red-handed but you know I can help you get treatment because they know those people. They coach them in softball, grew up next to them. They know they're not bad people

(Due to technical difficulties, further remarks on this matter are not available.)

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (S-403) Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#560)**

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

NAYS: Senators: ALFOND, BRAKEY, GERZOFISKY, HASKELL, JOHNSON, MILLETT, MIRAMANT, VALENTINO

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-403)** Report **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-403) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-403)**.

Sent down for concurrence.

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

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The Chair laid before the Senate the following Tabled and Later Assigned (3/23/16) matter:

Bill "An Act To Ensure the Comprehensive Medical, Dental, Educational and Behavioral Assessment of Children Entering State Custody"

S.P. 82 L.D. 213

Tabled - March 23, 2016, by Senator **MASON** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, March 9, 2016, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, March 23, 2016, Veto Communication (S.C. 886) **READ** and **PLACED ON FILE**)

(Due to technical difficulties, remarks on this matter are not available.)

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 (#561)**

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, 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: Senator: EDGECOMB

33 Senators having voted in the affirmative and 1 Senator 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.

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Senate at Ease.

Senate called to order by the President.

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The Chair laid before the Senate the following Tabled and Later Assigned (3/23/16) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Resolve Inconsistencies in the Drug Laws"

S.P. 609 L.D. 1554

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-417)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-418)** (4 members)

Tabled - March 23, 2016, by Senator **ROSEN** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 23, 2016, Reports **READ**.)

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417)** Report.

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

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. This bill is not about people who repeatedly traffic in the sale of illegal drugs to our children and our neighbors or who transport drugs over state lines for the purpose of making money. Those people ought to be convicted and put away for a long time. As far as I'm concerned, we can throw away the key. This bill is not about them. This bill, Mr. President, is about a very discrete group of people, people who become addicted to opiates and are caught in simple possession. The woman who goes to surgery and gets hooked on pain medication the doctor has given her. The veteran who has had his leg blown off in Afghanistan and comes back to his family in Maine addicted to pain killers. The veteran who comes home with PTSD and self-medicates to dull the psychological pain and becomes addicted. We know now, Mr. President, that 80% of people who are drug addicts, even if they are using heroin, started out with prescription medication and often became addicted through no fault of their own. The question is; how are we going to deal with this group of people when they are caught with drugs? Back in 2013, Mr. President, 1,300 people were convicted of offenses involving opiate possession. In 2014 that number had risen to 1,800 people. Does that mean that we have 500 more bad people in 2014 than we had in 2013? I don't think so. Does it mean that we have 500 more morally culpable people or 500 more people who have made an intentional decision to turn to a life of crime? I don't think so. The people who are being caught with heroin today, five years ago those people would have obtained prescription drugs, lawfully or unlawfully. They'd buy them on the street. We've done a pretty darned good job, Mr. President, of cutting back on that. It's harder to get prescription drugs now. It's harder to be able to find them. It's harder to get doctors to prescribe them. It's harder to buy them on the street. If you're an addict it doesn't make much difference. If you have the craving, if you have the need, it doesn't much matter where you have to go.

I'd like to quote from one of my colleagues from the other Body in his testimony on this bill, someone who is a former prosecutor and former sheriff. He said, "Here are the hard facts. If addicts could make good decisions, they would not be trapped in the downwards spiral of their addiction. As their thinking becomes subordinate to their disease, their capacity to clearly consider the pros and cons of their actions becomes increasingly diminished. The other truth is we don't like that fact. Many of us believe the addict can and should be able to make a conscience decision not to be addicted. Our punishment of addiction sees the addict as a moral failure and not as an individual trapped in a complex, challenging disease over which he or she has literally lost control." Despite the reality of addiction, there is a cry to make things more serious, to make people who are caught in

simple, first time possession of these narcotics into felons. Let's be very clear what we do when we do that. Not only does the person have to serve the jail sentence, but forever they have the scarlet F on their shirt, with all those implications.

The concept that someone has served their time and now has served their penalty and we're going to give them another chance, frankly, goes out the window. Try applying for a job as a convicted felon. What do you think will happen? Try getting into any kind of federal housing. You're barred. Try applying for other private housing and look on the application and see that the landlord wants to know if you've ever been convicted of a felony. The worst part, Mr. President, is what criminalizing, felonizing a first time simple drug possession will do to our veterans. Thousands of these people, who are caught with and convicted of opiate possession, are people that we sent off to war to protect us. We sent them off to Iraq, we sent them off to Afghanistan. They risked their lives, some of them died. We hear every day about one of them from out state who died. For every one of those there are dozens, or maybe hundreds, more who come back damaged goods. Many of those have physical injuries, many of those have psychological injuries, and they come back and many of them are on pain killers that doctors prescribe or many of them, frankly, turn to self-medicating because of the horrors of what they had to suffer. We spent a lot of time in this Chamber paying lip service to all we want to do for veterans and yet I would respectfully suggest that this bill is the worst that we can do for them. Someone convicted of a felony as a veteran, dishonorable discharge. No educational benefits, all gone. No opportunities for any other veteran's benefits. Those people who need treatment the most can't even get treated at the VA after a felony conviction. Of that 1,800 people, I'm not sure how many of them are veterans, but it's not an insignificant amount. We need to look at what we're doing to our veterans.

This is about getting smarter on crime, Mr. President. I've heard the arguments on the other side. Prosecutors who say that we need the leverage of a felony charge to get people into other things. We'll send them off to pre-trial diversion. Well pre-trial diversion doesn't exist in most parts of the state of Maine. What's the point of offering someone pre-trial diversion without a robust opportunity for drug treatment, because we know that these people are going to fail once and maybe twice before they can finally get it. Chief Justice Waltham was in our caucus this morning and he made the analogy to smoking, which is a terribly addictive, although legal, substance, and how many times he had to go through before he was able to lick it. Pre-trial diversion isn't the answer. We hear a lot about drug courts. Drug courts are great. A lot of people that go through drug courts are able to lick the problem and come out on the other end with a productive life. There are at any given time, Mr. President, about 200 drug court slots in the state of Maine. That's it. Let's not fool ourselves by saying that we provide drug courts and will give all these people a chance. We're not providing the resources to do it. Deferred disposition, we'll use the tool of deferred disposition to get these people into drug treatment and at the end of the effort there won't be a felony conviction. First of all, let's recall the deferred disposition can only be used if a prosecutor says so. Most prosecutors in the state of Maine are, I believe, committed to using deferred disposition in many cases, but not all prosecutors. We have an Attorney General in the state of Maine who is committed to using the tool of deferred disposition, but that is this Attorney General. What about the next one? These folks, again, if they fail, they are stuck with that felony conviction.

A rejection of this report, Mr. President, would leave the law the way it is, which makes first offense of possession of heroin a misdemeanor. It doesn't give anyone a free pass. It's a misdemeanor punishable by up to 364 days in jail and a significant period of probation, which can include, by the way, a special condition of substance abuse counseling and treatment to the satisfaction of the probation officer. Those people are still going to end up with a criminal conviction. Maybe it's completely appropriate and maybe they should, but at least it's going to be a misdemeanor that is not going to haunt them for the rest of their life. I think we all want to be tough on crime. We want to be tough on drugs. I think more than that we want to be smart on drugs. This bill, which will make felons out of your neighbors and my neighbors, isn't being smart on drugs. I ask, Mr. President, that we reject the pending motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I also rise today in opposition to the pending motion. This session, in the Health and Human Services Committee, we've done a lot of work looking for solutions to Maine's opiate addiction problem. Having spent a lot of time working on these issues, I do not agree with the approach the Majority Report takes, and there are many reasons. First, this proposal is a major step backwards from the goal of helping those with addictions find recovery. Last year this Chamber passed L.D. 113, which downgraded first time possession offences from a felony to a misdemeanor. At the beginning of this session we passed L.D. 1537, giving funding to treatment centers and adding MDEA agents to target traffickers. L.D. 1554 is a step backwards from the progress we have made. It re-felonizes low level possession offenses. It targets those with addictions, not traffickers. An additional problem with the Majority Report is its inconsistent application of justice. We know that four out of five cases of opiate addiction begin with pills. When someone who is addicted can no longer access these pills, that's when they're likely to turn to heroin. These days that heroin might be laced with fentanyl, because it's through the black market where there are no protections in place, and the user often has no idea. Under the Majority Report someone who is addicted to pills will face a misdemeanor, but someone with the very same addiction who uses heroin would face an instant felony. Why should we punish one individual's so much more punitively for the same crime of having the same addiction?

As a fiscal conservative, can I support this proposal of arresting and housing people in jails for addictions costs hundreds of millions of dollars to taxpayers with little return on the investment. Maine's criminal justice system costs taxpayers an estimated \$571 million a year. That's accounting for law enforcement, adjudications, and corrections. This includes more than \$153 million on corrections alone. The total cost of punishment, law enforcement adjudication, and corrections for drug law offenses alone in 2010 was nearly \$60 million. It costs between \$110 and \$130 a day to incarcerate an individual in Maine's jails and prisons. Of all drug arrests in 2012 78.9% were possession violations, not the sale and manufacture of drugs. The rise in drug arrests has not curbed the use of drugs. According to the Maine Office of Substance Abuse, between 2004 and 2013 the number of Mainers seeking drug treatment for opiates jumped from 2,291 to 4,801. Overdose deaths increase each year despite increased arrests and convictions.

Beyond the cost to taxpayers, however, the costs to our workforce are significant. Individuals with felony convictions face lifetime barriers to employment and education, leaving them with few opportunities, inevitably leading them back to the criminal justice system. Most employers require applicants to disclose whether or not they have a felony conviction and many will not consider hiring those that do, including Maine's higher ed institutions like the University of Maine System. They require applicants to disclose felony convictions as well. It should also be noted that felony convictions cannot be expunged. The only way to erase a felony record is via a full pardon from the Governor. As the Senator from Kennebec has said so eloquently, that felony is a scarlet letter that follows a person for their entire life.

Finally, I want to address some arguments that I've heard made from the other side of this issue. I've heard the argument made that because one individual with a drug addiction may commit some other crime that we should have harsher penalties for all those with drug addictions. For example, I know we heard one terrible case of an individual with an addiction who stole, I believe the number was, \$90,000 from an elderly person to pay for his drug addiction. Just to respond to that, the last I checked theft is itself a crime. I say charge that guy with theft. There is no reason to conflate the two issues. If someone commits other crimes as a result of their addiction, charge him or her with the other crimes. Just because one person with an addiction commits another crime does not mean that all people with addictions will commit other crimes.

I'm just going to skip to the end here and state that for all those reasons, and for many others, I will be voting against the motion. I think it's a step backwards for the state, a step backwards for helping those people who are suffering with addictions, and I hope that this Chamber agrees so we can move on to an alternate report. Thank you very much, Mr. President.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd like to pose a question through the Chair.

**THE PRESIDENT:** The Senator may pose his question.

Senator **SAVIELLO:** Thank you, Mr. President. We all have received this yellow sheet on our desk and a white sheet yesterday. It talks about 1,800 convictions. Can someone help me understand how many within that 1,800 would actually be affected by this law?

**THE PRESIDENT:** The Senator from Franklin, Senator Saviello poses a question through the Chair to anyone who may wish to answer. Seeing nobody, the Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you, Mr. President. My second question, Mr. President, if I may pose that through the Chair.

**THE PRESIDENT:** The Senator may pose his question.

Senator **SAVIELLO:** Thank you, Mr. President. Can someone tell me if you can get into the drug court without a felony charge?



**THE PRESIDENT:** The Senator from Franklin, Senator Saviello poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you, Mr. President. Yes you can. There is no prohibition to an agreed entry into the drug court for a misdemeanor, but again I would remind my friend from Franklin County that the drug court has so few vacancies in it, so few positions available, they can only deal with a very, very small percentage of the problems we all know we're facing.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just answered my own question; 192 not 1,800 would be effected by this bill. The second thing is my reference tells me that you do need a felony charge, but I'm not an attorney and I greatly respect my colleague.

The reason I stand today to speak in favor of this proposal is because of my sheriffs. As many of you know, I've been working very closely with them on another bill and I'm not sure if all of you got this one sheet. It's a brown sheet from the Maine Chiefs of Police Association. I'll read you the last two paragraphs. "For some, the criminal justice system has provided the needed motivation. The threat of going to jail is enough to get some addicts to seek help, but their interactions with the criminal justice system may need to be more than a misdemeanor subject to appear in court, which may be the extent of the interaction with law enforcement if possession of heroin is going to be a misdemeanor. The chiefs want to help and they understand that a simple lock 'em up strategy does not work for all people, for people with the sickness of addiction. Programs such as the Scarborough P.D.'s Operation Hope and other similar programs undertaken by other P.D.s demonstrate the chief's understanding that treatment is critical. Law enforcement can help direct addicts to treatment if they are able to interact with them. While it may seem harsh, a felony arrest is likely to work in a way that a summons will not and a felony arrest does not necessarily lead to a felony conviction if the addicted person seeks help for addiction."

Finally, I just close with a thing in my own mind, listening to my friends that lost individuals recently and one that I've lost. This is the wrong time to send a message to our students and young people that this is not a major problem. Thank you very much, Mr. President.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the current motion. A brief personal story. I have a member of my greater family unit who made decisions when young. Has a felony. Life is exceedingly difficult for this very lovely, very talented individual. Public housing. Education is greatly valued in my family but is not really possible now for this individual. I think it's very important that the punishment fit the crime. This person now struggles in a way that doesn't allow the individual to contribute what he/she could do had they not had the felony. I

think that this bill is going much too far in this direction. Thank you, Mr. President.

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

Senator **DILL:** Thank you, Mr. President. May I pose a question through the Chair?

**THE PRESIDENT:** The Senator may pose his question.

Senator **DILL:** Thank you, Mr. President. It seems to me that we just made our neighbors a felon by crossing the border with a small amount of drugs in their possession. How is this one different with a small amount of drugs by not making them a felon? I'm confused. Thank you.

**THE PRESIDENT:** The Senator from Penobscot, Senator Dill poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising a second time. I just wanted to address very briefly, I think, an argument we just heard around the idea of law enforcement needs this stick to coerce people into treatment. I really question the effectiveness of that. I'm a big believer that, from my own experience, you can't really force people into helping themselves. People have to choose, themselves, to help themselves. You cannot drag someone into a successful life. Even people who choose treatment for themselves often have a high rate of failure in treatment. How successful do we expect people to be in treatment when they have not chosen it for themselves, when they are there against their will? The old saying, you can lead a horse to water but you can't make it drink. I think this is really faulty logic. We have enough difficulty finding the funds to pay for treatment for those who are choosing to seek help for themselves. I don't know that it's a wise use of taxpayer money, forcing people into treatment who are not likely to benefit because they've not made the decision to help themselves, while we are short on resources for those who are seeking help and are ready to turn their life around. I think that's where our priorities should be in terms of treatment resources, helping those who have made that decision and commitment to turn their life around. I'll end there. Thank you, 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, just a couple of things. You heard in both our respective caucuses today from the former Judge. I happened to ask him specifically about the idea that if you're charged with this felony that it could then be pled to a different level such as a misdemeanor if certain conditions are met. He said that in theory this was possible but in reality it's not. There's nothing lesser within the category to plead this down to unless it was something absurdly different than the crime, and no prosecutor is going to allow that. When it comes to the drug courts, it would be great to have many more. We don't have one in Knox. They're full everywhere else, so there's no reason to say that this diversion is going to work for the folks in my county. I

believe that most people understand that 364 days is a pretty good hammer. Even the felony convictions don't usually generate more than that as the amount of time that needs to be served in jail for first offenses. People aren't even getting the full hammer on them when they are convicted of this. What they are getting, though, is the weight of the world, the weight of this whole society, on them for everything they do. I won't go into the individual cases that have been made by previous speakers. When we also have this idea that right now the rules don't get you into the drug court for the few slots unless you have this felony, this is like the old approach. When I went to a meeting recently on opioids I expected to walk into Rockland and have them saying more time, more jail, more everything. Let's reduce them to amoebas and they won't do drugs. However they didn't. The police said 90% of the people that are in this problem are addicts whose only crime is to possess something that is illegal. They are not breaking into houses. They're not doing anything. Let's not try to make these penalties fit it the only way we can think of them. Let's make them a severe misdemeanor that gets them into the drug court. Let's make more slots in the drug court. Let's start to solve the problem. One of our Supreme Court Justices got into drug addiction and had to go to rehab, not Maine, federally. The Supreme Court. They had to take time off to go to rehab to get off opioids. This is all the people around us. It could be you or me the next time I go way too fast down the hill at Sugarloaf or whatever. I could be on that whole track. What people are demanding now is that we use 30 years of that failed war on drugs, information about addictive properties of these chemicals, and that we do something with commonsense for a change instead of just thumping our chests and doing the same thing we've been doing. Thank you.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I have spoken to my sheriffs, as I said before, and I have great confidence in them and what they tell me is they need this hammer. They're on the street every day, dealing with this every day. That's why they have approached me to support this bill and I have great trust in their statement. I think what they tell me is that when they have the individuals that come forth with heroin, not pills, and ask for help they're given that opportunity because I have been told by the sheriffs and the prosecutors the sentence can be reduced, if not eliminated. Thank you very much, Mr. President.

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

Senator **GERZOFSKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today in opposition to this bill. I'm sure that goes as no surprise. Again, we're looking at taking people that are in possession of a small amount of drugs, turning them into a felon, putting the scarlet letter F on their heads that will follow them the rest of their life. We're making it more difficult for them to seek and get treatment. I have heard it said that if we can only get a felony charge going here we can get people into drug court. I heard the Chief Justice of the Supreme Court, in Joint Session, say we only have five of them in the state, five drug courts, adult drug courts, and only one that deals with veterans, adult veterans. I don't normally ever read standing here. I

usually just speak what's on my mind. The drug courts can't do it all. Mainers in ten counties have no access to special courts. Last year 49 people graduated from drug court, 1,066 were arrested. Mr. President, I've been told that you have to get a felony charge to get drug treatment. I argued that. I said that a Class D sentence, up to 364 days, I've heard that said today, up to a \$1,000 fine, I've heard that said today, is a pretty good shillelagh on some people. When a Judge is looking at you and he tells you that you're going to have to go in and get some help or you're going to do 364 days, you're going to pay \$1,000 fine, that gets somebody's attention pretty good. If they don't want to ever have that F put on their head they have an option, they have an obligation, to listen to that Judge that's going to say that, and do something about it. They have a chance to straighten out their life before they have that F. Don't forget, we're not talking about dealers. We're not talking about traffickers. We're talking about people that have a small amount, a small amount, on them. They could be addicted but they could just be starting. All of a sudden we've got their attention. Now we've got them in court and we give them the opportunity to straighten out their life. They take that opportunity and they are able to do that. With a felony, Mr. President, I'll argue they're not able to straighten out their life because of that F. If they think it's funny to put a scarlet letter on somebody's head that's going to stay with them the rest of their life, well I don't. I think it's pretty darned serious when we have an option. We don't have to pass this bill. We don't have to put an F on anybody's head and we can be smart on drugs, as I've heard mentioned today, and not numb on drugs. It hasn't worked in the last 40 years and I don't know why anybody is going to think it's going to work now. Thank you, Mr. President, for the time and thank you to the Senate for listening.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (S-417) Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#562)**

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

NAYS: Senators: ALFOND, BRAKEY, BREEN, DILL, GERZOFSKY, GRATWICK, HASKELL, JOHNSON, KATZ, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, VALENTINO, WILLETTE

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417) Report PREVAILED.**

**READ ONCE.**

Committee Amendment "A" (S-417) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417)**.

Ordered sent down forthwith for concurrence.

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Off Record Remarks

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

**SENATE PAPERS**

Bill "An Act To Clarify That Buprenorphine Is a Scheduled Drug"  
S.P. 693 L.D. 1685

Presented by President THIBODEAU of Waldo.  
Cosponsored by Senator: CUSHING of Penobscot.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **ROSEN** of Hancock, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

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

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Off Record Remarks

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

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On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Wednesday, March 30, 2016, at 10:00 in the morning.