

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

In Senate Chamber  
Wednesday  
April 6, 2016

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

Prayer by Senator Brian D. Langley of Hancock County.

**SENATOR LANGLEY:** Good morning, everyone. Let us be in the spirit of prayer. Merciful God, we thank You for giving us another day. Send Your spirit upon the members of this Body to encourage them in their official task. Assure them that in the fulfillment of their responsibilities You provide the grace to enable them to be faithful in their duties and the wisdom to be conscience of their obligations and fulfill them with integrity. Father, as we complete our work here we may be a people who seek Your righteous wisdom. May we reject the sins of selfishness, greed, and pride. May we avoid apathy, ridicule, and division. As members prepare to return to their home districts endow them with the ears to hear the voices of their constituents, those who voted for them and those who did not. It is the strength of our represented democracy that all have a voice in the governing of this great state. May all that is done be for Your greater honor and glory. Amen.

Pledge of Allegiance led by Senator Geoffrey M. Gratwick of Penobscot County.

Reading of the Journal of Tuesday, April 5, 2016.

Doctor of the day, Lani Graham, M.D, M.P.H. of Freeport.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

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

S.P. 563 L.D. 1462

In Senate, March 1, 2016, on motion by Senator **CYRWAY** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-355)**, in **NON-CONCURRENCE**.

Senator **CYRWAY** of Kennebec moved the Senate **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#595)**

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **CYRWAY** of Kennebec to **RECEDE** and **CONCUR PREVAILED**.

**Non-Concurrent Matter**

Bill "An Act To Provide Funding to the Maine Budget Stabilization Fund" (EMERGENCY)

S.P. 647 L.D. 1606  
(S "A" S-467 to C "A" S-464)

In Senate, April 5, 2016, on motion by Senator **HAMPER** of Oxford, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464) AS AMENDED BY SENATE AMENDMENT "A" (S-467)** thereto.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464) AS AMENDED BY SENATE AMENDMENT "A" (S-467) AND HOUSE AMENDMENT "C" (H-643)** thereto, in **NON-CONCURRENCE**.

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

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

**ORDERS**

**Joint Order**

An Expression of Legislative Sentiment recognizing:

D'arcy Main-Boyington, of Hampden, who has received the Catherine Lebowitz Award for Public Service from the Bangor Region Chamber of Commerce. As the director of economic development for the City of Brewer, Ms. Boyington has been a tireless advocate for Brewer and also for the less fortunate in the greater Bangor region. We extend to Ms. Main-Boyington our congratulations and best wishes;

SLS 1112

Sponsored by Senator **CUSHING** of Penobscot. Cosponsored by Senator: **ROSEN** of Hancock, Representatives: **DAVITT** of Hampden, **LYFORD** of Eddington, **VEROW** of Brewer.

**READ.**

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, we all know one of the special honors we have is to recognize those who have made significant contributions or accomplishments. I think this recipient fits in both of those categories. D'arcy Main-Boyington joined the City of Brewer in 2004. I don't think they knew what a good deal they had. She was, at that point, the Deputy Director of Economic Development. She was, in 2006, promoted to the Economic Development Director and leads the City's efforts to attract, retain, and grow its business base. Prior to joining the City, D'arcy was a business development specialist for the Department of Economic and Community Development responsible for covering six counties in eastern Maine. Her recent career highlights include a 2009 award in which D'arcy led the team that won the Environmental Protection Agency's acclaimed Phoenix Award for the redevelopment of the Brewer Eastern Fine Paper site, the Cianbro Modular Facility. A real plus both for vocational opportunities and economic benefits for that area and our state. She's been a tireless community advocate for those less fortunate in the greater Bangor region, whether through her board participation with the Bangor Area Homeless Shelter or her dedication of the creation of a local food hub. D'arcy's goal is

always to better the community through her ultraistic efforts. She is the member of several key professional organizations including the Economic Development Council of Maine, the Business Retention and Expansion International, the Bangor Regional Development Alliance, and the Northeast Developer's Association. She also serves on numerous community boards and committees. A Maine native, she graduated from the University of Maine with highest distinctions in her field of international affairs and spent a year abroad in Montreal at McGill University. She then completed a Master's Degree in International Political and Economic Development at Fordham University in New York City where she was awarded the Matteo Ricci Award for Academic Excellence. She now resides in Hampden with her husband, Daryl, their son, Jed, and the family dogs and horses. I am very honored to be able to speak to the accomplishments of this lady and allow us to recognize her for this well-deserved award. Thank you, Mr. President.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber D'arcy Main-Boyington; her husband, Daryl; her parents, Peter and Jean Main. They are the guests of the Senator from Penobscot, Senator Cushing, and the Senator from Hancock, Senator Rosen. Would they please rise and accept the greetings of the Senate.

**ORDERS**

**Joint Orders**

Out of order and under suspension of the Rules, the Senate considered the following Expressions of Legislative Sentiment recognizing:

The Falmouth Middle School Iron Twinkies Jazz Band, in Falmouth, which earned first place honors in Division I at the Maine Music Educators Association State Middle School Instrumental Jazz Festival. This is the fourteenth time since 2001 that the Iron Twinkies have won their division. The band earned the honor for its performances of "May's Way," an original blues swing tune written by Jeff Jarvis, "A Child is Born" and "What is Hip?" Mary Kate Bayer, trumpeter, received an outstanding musicianship award. Twelve members of the band won jazz festival awards for excellent improvisation: Matthew Mitschele, Cole Matthews, Mary Kate Bayer, Sofie Matson, Thomas Downey, Chloe Jacquet, Sophie Goldberg, Pawan Yerramilli, Chris Kinley, Benjamin Potter, Matthew Hafener and John Longinetti. The band includes musicians Joey Lavallee, Anna Sharp, Lena Wood, Henry Janosick, Skyler Piltch, Shruti Joshi, John Peelen, Trevor Neff, Alexa Dargie, Katalina Echavarrri, Kelly Yoon, Adrian Friedman, Max Peters and Devon Noble and is led by Jerry Barry, a Falmouth Middle School music teacher. We extend to all the members of the band our congratulations and best wishes;

SLS 1104

Sponsored by Senator BREEN of Cumberland.  
Cosponsored by Representatives: DION of Portland, PIERCE of Falmouth.

**READ.**

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, it gives me great pleasure today to welcome the Falmouth Middle School Iron Twinkies Jazz Band. Falmouth has an amazing commitment to music education. We're very blessed in that respect. Our Middle School band program starts in the fifth grade and if you really fall in love with music you get to get up really, really early and have your parents drive you over to the Middle School in the dark of night and practice and become an Iron Twinkie. As we heard, this is the 14<sup>th</sup> year since 2001 that the Iron Twinkies have won this statewide championship. It is a legacy and it is one that I'm very proud of. I also want to thank Representative Pierce who's here today from the House. Unfortunately, our colleagues down the hall did not have the great opportunity to recognize the Iron Twinkies today so I wanted to make sure that Theresa Pierce was here and thank her for helping us bring the kids here today. Like any big commitment, this happens not just on the part of the kids, but on the part of their families, their parents, their siblings. This is what I would call travel music, where you are getting up early and you're traveling and you're making an enormous commitment on the part of the entire family. You'll notice that in the balcony we have family members of the musicians here today. Lastly, the gentleman who really started this program, Jerry Barry, is a legend in the Falmouth community. He started the jazz program at Falmouth Middle School and he has grown it and he has grown so many musicians into many professional musicians who have gone on to college and into careers in music. He's an extraordinary leader, extraordinary talent. We are very blessed to have Jerry Barry be the leader of this program. Both of my kids went through the Falmouth Middle School music program and it was incredibly rewarding. I will say thank you to my community, thank you for the parents who are here, and thank you, Mr. President.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber the Iron Twinkies Jazz Band and their chaperones. Would they please all stand and accept the greetings of the Senate.

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The centennial celebration of the Eastern States Exposition, of West Springfield, Massachusetts. Known as The Big E, this fair is the largest event on the eastern seaboard and the 5th largest fair in North America. The Big E takes place every September and showcases New England agriculture, industry and culture. In 1925, the State of Maine erected a replica of the original Maine State House on the fairgrounds where Maine products and resources in agriculture, industry, fisheries, forests, wildlife and recreation are exhibited each year at the event. Each year, the

fair presents an opportunity for over 1 million visitors to learn about agriculture and the culture of New England. We congratulate the Eastern States Exposition on its centennial celebration and send our best wishes for its continued success;  
SLS 1107

Sponsored by Senator EDGECOMB of Aroostook.  
Cosponsored by Representative: MAREAN of Hollis.

**READ.**

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

Senator **EDGECOMB:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this Sentiment will be presented the Big E on the State of Maine Day. Representative Marean and myself are cooperators at the Big E and we would be happy to have any Senator that may be present on that day, which is September 17<sup>th</sup>, on a Saturday, if you can attend and want to know the time and place please give me a telephone call when it gets near that day and I'd be happy to introduce you to the group at that ceremony. Thank you.

**PASSED.**

Sent down for concurrence.

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Lilja Bernheim, of China, a senior at Erskine Academy, who is a recipient of a 2016 Principal's Award for outstanding academic achievement and citizenship, sponsored by the Maine Principals' Association. We extend our congratulations to Lilja on her receiving this award;

SLS 1109

Sponsored by Senator KATZ of Kennebec.  
Cosponsored by Representative: THERIAULT of China.

**READ.**

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

Senator **KATZ:** Thank you very much, Mr. President. Men and women of the Senate, I'm pleased to rise to honor Lilja this morning. She is an Erskine Academy senior. She's been selected to receive the 2016 Principal's Award. Lilja is a consistent high honor student in a program with numerous advance placement courses. She's had dual enrollment classes with nearby colleges and she has accumulated literally hundreds of hours of valuable community service, many of them at Maine General Medical Center. Lilja is probably going to attend the University of Maine next year, probably as a pre-med. Our successors will probably be welcoming here back as Doctor of the Day here in the Senate one of these days. Thank you, Mr. President.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber Lilja, Patricia, and Robert Bernheim, along with Headmaster McQuarrie of China. They are the guests today of the Senator of Kennebec, Senator Katz. Would they please rise and accept the greetings of the Senate.

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

Senator **HASKELL:** Thank you very much, Mr. President. Men and women of the Senate, earlier this morning you recognized an extraordinary group, the Youth Leadership Advisory Team. They were unable to get into the balcony because it was crowded. They have now joined us today. The Youth Leadership Advisory Team is a dynamic group of young leaders and adult partners who work together to improve outcomes for youth in foster care and they have joined us now. Thank you very much, Mr. President.

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

**COMMUNICATIONS**

The Following Communication: S.C. 950

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 5, 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 Education and Cultural Affairs has had under consideration the nomination of Michael Flanagan of Thomaston, for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering.

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	Langley of Hancock, Edgecomb of Aroostook, Millett of Cumberland
	Representatives	6	Kornfield of Bangor, Farnsworth of Portland, McClellan of Raymond, Pierce of Falmouth, Stearns of Guilford, Tipping-Spitz of Orono
NAYS		0	
ABSENT		3	Rep. Daughtry of Brunswick, Rep. Maker of Calais, Rep. Pouliot of Augusta

Nine 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 Michael Flanagan of Thomaston, for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering be confirmed.

Signed,

S/Brian D. Langley  
Senate Chair

S/Victoria P. Kornfield  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Chair noted the absence of the Senator from York, Senator **VALENTINO**, and further excused the same Senator from today's Roll Call votes.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#596)**

YEAS: Senators: None

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

Representatives 8 Kornfield of Bangor, Farnsworth of Portland, Hubbell of Bar Harbor, Maker of Calais, McClellan of Raymond, Pierce of Falmouth, Stearns of Guilford, Tipping-Spitz of Orono

NAYS 0

ABSENT 2 Rep. Daughtry of Brunswick, Rep. Pouliot of Augusta

EXCUSED: Senator: VALENTINO

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Michael Flanagan** of Thomaston for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering was **CONFIRMED**.

Eleven 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 Major Rene Cloutier of Thomaston, for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering be confirmed.

Signed,

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

S/Brian D. Langley  
Senate Chair

S/Victoria P. Kornfield  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 951

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

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

April 5, 2016

The Doorkeepers secured the Chamber.

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

The Secretary opened the vote.

**ROLL CALL (#597)**

Dear Mr. President:

YEAS: Senators: None

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Major Rene Cloutier of Thomaston, for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering.

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

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:

EXCUSED: Senator: VALENTINO

YEAS Senators 3 Langley of Hancock, Edgecomb of Aroostook, Millett of Cumberland

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Major **Rene Cloutier** of Thomaston for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering was **CONFIRMED**.

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

The Following Communication: S.C. 947

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 5, 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 Education and Cultural Affairs has had under consideration the nomination of Thomas Marx of Liberty, for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering.

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	Langley of Hancock, Edgecomb of Aroostook, Millett of Cumberland
	Representatives	7	Kornfield of Bangor, Farnsworth of Portland, Hubbell of Bar Harbor, McClellan of Raymond, Pierce of Falmouth, Stearns of Guilford, Tipping-Spitz of Orono
NAYS		0	
ABSENT		3	Rep. Daughtry of Brunswick, Rep. Maker of Calais, Rep. Pouliot of Augusta

Ten 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 Thomas Marx of Liberty, for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering be confirmed.

Signed,

S/Brian D. Langley  
Senate Chair

S/Victoria P. Kornfield  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#598)**

YEAS: Senators: None

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

EXCUSED: Senator: VALENTINO

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Thomas Marx** of Liberty for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering was **CONFIRMED**.

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

The Following Communication: S.C. 948

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 5, 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 Education and Cultural Affairs has had under consideration the nomination of Carla Scocchi of Penobscot, for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering.

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	Langley of Hancock, Edgecomb of Aroostook, Millett of Cumberland
	Representatives	7	Kornfield of Bangor, Farnsworth of Portland, Hubbell of Bar Harbor, McClellan of Raymond, Pierce of Falmouth, Stearns of Guilford, Tipping-Spitz of Orono
NAYS		0	
ABSENT		3	Rep. Daughtry of Brunswick, Rep. Maker of Calais, Rep. Pouliot of Augusta

Ten 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 Carla Scocchi of Penobscot, for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering be confirmed.

Signed,

S/Brian D. Langley  
Senate Chair

S/Victoria P. Kornfield  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#599)**

YEAS: Senators: None

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

EXCUSED: Senator: VALENTINO

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Carla Scocchi** of Penobscot for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering was **CONFIRMED**.

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

The Following Communication: S.C. 949

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 5, 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 Education and Cultural Affairs has had under consideration the nomination of Captain Eric Jergenson of Stockton Springs, for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering.

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	Langley of Hancock, Edgecomb of Aroostook, Millett of Cumberland
	Representatives	7	Kornfield of Bangor, Farnsworth of Portland, Hubbell of Bar Harbor, McClellan of Raymond, Pierce of Falmouth, Stearns of Guilford, Tipping-Spitz of Orono
NAYS		0	
ABSENT		3	Rep. Daughtry of Brunswick, Rep. Maker of Calais, Rep. Pouliot of Augusta

Ten 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 Captain Eric Jergenson of Stockton Springs, for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering be confirmed.

Signed,

S/Brian D. Langley  
Senate Chair

S/Victoria P. Kornfield  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#600)**

YEAS: Senators: None

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

EXCUSED: Senator: VALENTINO

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Captain **Eric Jergenson** of Stockton Springs for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering was **CONFIRMED**.

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

The Following Communication: S.C. 952

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 5, 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 Education and Cultural Affairs has had under consideration the nomination of Almon Rivers of Searsport, for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering.

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	Langley of Hancock, Edgecomb of Aroostook, Millett of Cumberland
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Representatives 7 Kornfield of Bangor,  
Farnsworth of Portland,  
Hubbell of Bar Harbor,  
McClellan of Raymond,  
Pierce of Falmouth, Stearns  
of Guilford, Tipping-Spitz of  
Orono

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

NAYS 0

ABSENT 3 Rep. Daughtry of Brunswick,  
Rep. Maker of Calais, Rep.  
Pouliot of Augusta

EXCUSED: Senator: VALENTINO

Ten 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 Almon Rivers of Searsport, for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering be confirmed.

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Almon Rivers** of Searsport for appointment to the Maine School for Marine Science, Technology, Transportation and Engineering was **CONFIRMED**.

Signed,

S/Brian D. Langley  
Senate Chair

S/Victoria P. Kornfield  
House Chair

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

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 946

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, if you don't recognize the Maine School for Marine Science, Technology, Transportation and Engineering it's because it doesn't quite exist yet. This was a piece of legislation that was passed to create the second magnet school in the state of Maine. It will be down in Searsport. It will be along the coast. Speaking on behalf of our committee, during these nomination hearings we had boat captains, a retired superintendent, a nuclear engineer, scientists, and a marine patrol Major all nominated today. Going forward keep your eyes open. It looks to be a really exciting school when it gets up and running. Just for your information, folks, that's who we've confirmed today. Thank you very much.

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

April 5, 2016

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Energy, Utilities and Technology has had under consideration the nomination of David Stapp of Bremen, for appointment to the Efficiency Maine Trust Board.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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:

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

YEAS Senators 3 Woodsome of York, Hill of York, Mason of Androscoggin

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#601)**

YEAS: Senators: None

Representatives 7 Dion of Portland, Babbidge of Kennebunk, Beavers of South Berwick, Dunphy of Embden, Higgins of Dover-Foxcroft, O'Connor of Berwick, Rykerson of Kittery

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

The Following Communication: S.C. 954

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES**

April 5, 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 Environment and Natural Resources has had under consideration the nomination of Kathleen Chase of Wells, for appointment to the Board of Environmental Protection.

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	2	Saviello of Franklin, Brakey of Androscoggin
	Representatives	4	Buckland of Farmington, Campbell of Orrington, Duchesne of Hudson, Hanley of Pittston
NAYS	Senators	1	Breen of Cumberland
	Representatives	4	Welsh of Rockport, Chipman of Portland, Harlow of Portland, Tucker of Brunswick
ABSENT		2	Rep. Martin of Eagle Lake, Rep. White of Washburn

Six members of the Committee having voted in the affirmative and five in the negative, it was the vote of the Committee that the nomination of Kathleen Chase of Wells, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/Thomas B. Saviello  
Senate Chair

S/Joan W. Welsh  
House Chair

NAYS 0

ABSENT 3 Rep. DeChant of Bath, Rep. Grohman of Biddeford, Rep. Wadsworth of Hiram

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of David Stapp of Bremen, for appointment to the Efficiency Maine Trust Board be confirmed.

Signed,

S/David Woodsome  
Senate Chair

S/Mark N. Dion  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#602)**

YEAS: Senators: None

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

EXCUSED: Senator: VALENTINO

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

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#603)**

YEAS: Senator: MIRAMANT

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

EXCUSED: Senator: VALENTINO

1 Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being excused, and 1 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 **Kathleen Chase** of Wells for appointment to the Board of Environmental Protection was **CONFIRMED**.

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

The Following Communication: S.C. 940

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

April 4, 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 Transportation has had under consideration the nomination of John G. Melrose of Vassalboro, for appointment to the Northern New England Passenger Rail Authority.

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	Collins of York, Diamond of Cumberland, Rosen of Hancock
	Representatives	9	McLean of Gorham, Bryant of Windham, Farrin of Norridgewock, Golden of Lewiston, Hobart of Bowdoinham, Hogan of Old Orchard Beach, Parry of Arundel, Powers of Naples, Verow of Brewer
NAYS		0	
ABSENT		1	Rep. Gillway of Searsport

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 John G. Melrose of Vassalboro, for appointment to the Northern New England Passenger Rail Authority be confirmed.

Signed,

S/Ronald F. Collins  
Senate Chair

S/Andrew J. McLean  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **TRANSPORTATION** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#604)**

YEAS: Senators: None

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

Representatives 8

Luchini of Ellsworth, Hanington of Lincoln, Kinney of Limington, Longstaff of Waterville, Monaghan of Cape Elizabeth, Saucier of Presque Isle, Schneck of Bangor, Turner of Burlington

NAYS 0

ABSENT 4

Sen. Collins of York, Sen. Patrick of Oxford, Rep. Dillingham of Oxford, Rep. Golden of Lewiston

EXCUSED: Senator: VALENTINO

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John G. Melrose** of Vassalboro for appointment to the Northern New England Passenger Rail Authority was **CONFIRMED**.

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

Rep. Bear of Houlton Band of Maliseet Indians supports the Committee's recommendation.

Nine 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 William A. Lee III, Esq. of Waterville, for reappointment to the Commission on Governmental Ethics and Election Practices be confirmed.

Signed,

The Following Communication: S.C. 941

S/Scott W. Cyrway  
Senate Chair

S/Louis J. Luchini  
House Chair

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

April 4, 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 Veterans and Legal Affairs has had under consideration the nomination of William A. Lee III, Esq. of Waterville, for reappointment to the Commission on Governmental Ethics and Election Practices.

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 1 Cyrway of Kennebec

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **VETERANS AND LEGAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#605)**

YEAS: Senators: None

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

EXCUSED: Senator: VALENTINO

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **William A. Lee III**, Esq. of Waterville for reappointment to the Commission on Governmental Ethics and Election Practices was **CONFIRMED**.

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

The Following Communication: S.C. 943

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

April 4, 2016

The 127<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 127<sup>th</sup> 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 1562, "An Act To Make Technical Changes to the Laws Governing Child Support."

The Maine Parentage Act established the concept of "de facto parents" in Maine, and this bill purports to conform child support laws to that change. In doing so, however, it forces judges to order multiple parents to pay child support to a parent who is a child's primary residential care provider. For example, if a child lives with her mother but has both a living biological father and a stepfather, and the mother leaves the stepfather, both the biological father and the stepfather may have to pay child support to the mother.

Child support should be the obligation of one parent to another. Whenever possible, with the exception of surrogacy, a biological, non-custodial parent should be vested with the obligation of child support. When that is impossible, the court may consider other options to provide for a child's support. But this legislation unfairly obligates de facto parents, which may include step parents or even grandparents, to share a child support obligation with a biological parent who is otherwise capable of fulfilling it.

This bill also contains technical language to conform statute to a recent DHHS rule change. Previously, child support amounts were determined in part by the age of a child, with those older than 12 receiving greater support and those under 12 receiving a lesser amount. That language change is necessary and I gave the bill's sponsor an opportunity to recall this bill so that it may be amended and signed.

For these reasons, I return LD 1562 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Make Technical Changes to the Laws Governing Child Support (EMERGENCY)

S.P. 614 L.D. 1562

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 (#606)**

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

NAYS: Senators: EDGECOMB, MCCORMICK, WILLETTE, WOODSOME

EXCUSED: Senator: VALENTINO

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being excused, and 30 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

Senate at Ease.

Senate called to order by the President.

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **TAXATION** on Bill "An Act To Attract Investment to Loring Commerce Centre"

H.P. 1141 L.D. 1670

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-634)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-634)**.

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

**READ ONCE.**

Committee Amendment "A" (H-634) **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 **VETERANS AND LEGAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 1136 L.D. 1666

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-633)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-633)**.

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

**READ ONCE.**

Committee Amendment "A" (H-633) **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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The Committee on **VETERANS AND LEGAL AFFAIRS** on Resolve, Compensating Susan Cloutier for Claims against the State

H.P. 1142 L.D. 1671

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-638)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-638)**.

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

**READ ONCE.**

Committee Amendment "A" (H-638) **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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**Senate**

**Ought to Pass As Amended**

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Finance Authority of Maine Act"

S.P. 694 L.D. 1686

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-463)**.

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

**READ ONCE.**

Committee Amendment "A" (S-463) **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 Clarify That Buprenorphine Is a Scheduled Drug"

S.P. 693 L.D. 1685

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

Signed:

Senators:

ROSEN of Hancock  
BURNS of Washington  
GERZOFKY of Cumberland

Representatives:

FOWLE of Vassalboro  
CHENETTE of Saco  
DAVITT of Hampden  
GERRISH of Lebanon  
LAJOIE of Lewiston  
LONG of Sherman  
NADEAU of Winslow  
THERIAULT of China  
TIMMONS of Cumberland

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

Signed:

Representative:

WARREN of Hallowell

Reports **READ**.

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

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

Sent down for concurrence.

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

---

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, To Create the Task Force on Public-private Partnerships To Support Public Education

H.P. 1143 L.D. 1675  
(C "A" H-628)

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

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**Acts**

An Act To Ensure Children in the Care of Caretaker Relatives and Other Surrogates Can Access Health Care

H.P. 1043 L.D. 1518  
(C "A" H-627)

**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.

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An Act To Improve the Delivery of Services and Benefits to Maine's Veterans and Provide Tuition Assistance to Members of the Maine National Guard

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

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

---

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

**ENACTORS**

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

**Emergency Measure**

An Act To Provide Supplemental Appropriations and Deappropriations for the Judicial Department for the Fiscal Years Ending June 30, 2016 and June 30, 2017

H.P. 1087 L.D. 1597  
(C "A" H-631)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senator having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

---

**Acts**

An Act To Protect Victims of Human Trafficking

S.P. 593 L.D. 1531  
(C "A" S-457)

An Act To Facilitate Internal Hiring by Reforming the Use of Registers in the State Civil Service System

S.P. 682 L.D. 1668  
(C "A" S-449)

An Act To Change the Definition of "Hard Cider" for Consistency with Federal Law

H.P. 1148 L.D. 1678

An Act To Assist Small Distilleries

H.P. 1152 L.D. 1687

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

Ordered sent down forthwith.

---

**Resolve**

Resolve, Directing the Department of Administrative and Financial Services and the Maine Public Employees Retirement System To Identify Retirees Whose Retirement Benefit Calculations Were Adversely Affected by Certain Pay Freezes and To Calculate Costs Associated with Authorizing Those Retirees To Include Such Lost Wages in Retirement Benefit Calculations

H.P. 1144 L.D. 1677  
(C "A" H-632)

**FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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Off Record Remarks

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**RECESSED** until 3:00 in the afternoon.

After Recess

Senate called to order by the President.

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

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Assist Working Families with Young Children"

H.P. 867 L.D. 1267

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-635)**.

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 Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-635)**.

Reports **READ**.

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

On motion by Senator **HASKELL** 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 Haskell.

Senator **HASKELL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, very briefly, this would help us with our young children in working families. The Head Start Program here in our state has a huge, large, unmet need. This is a program which has been proven over and over again to get kids off on the right foot and headed in the right direction. The current service is to about 28% of the eligible children ages 0 to 5. I would urge you to vote against the pending motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion, the Ought Not to Pass motion. I will say I'm a little confused by my colleague from Cumberland, what she had to say, because my understanding from the several versions this has gone through in committee that the Head Start piece of this bill is not in the, there was at one point in this funding for Head



Start, but my understanding is that piece of the bill was taken out in the final vote by the Democrats on the committee. My understanding is the report, all it does now is raise the reimbursement rate for childcare services from the 50<sup>th</sup> percentile to the 60<sup>th</sup> percentile, at a cost of three-quarters of a million dollars to the federal block grant, which there is not currently funding available for in the federal block grant which would result in some other non-specified cuts to services. Just to explain what that raising the 50<sup>th</sup> percentile to the 60<sup>th</sup> percentile means is that currently the department, essentially, takes an average of all the costs of childcare services across the state. The 50<sup>th</sup> percentile was directly in the center of that. The average rate. This would, the report would raise that to the 60<sup>th</sup> percentile, which the department believes is both not necessary and furthermore I would add that this change was a very big departure from what the bill originally did, so whether or not raising from the 50<sup>th</sup> percentile to the 60<sup>th</sup> percentile is a good idea or not we never really had a public hearing on that. We never really got to hear the pros and cons. I would say both that this is premature without having had a public hearing on whether or not raising to the 60<sup>th</sup> percentile is a good idea but also it is not necessary and it would come at cost to other programs that are funded by the federal block grant. Thank you, Mr. President. I encourage the Body to support the Ought Not to Pass motion.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#607)**

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

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

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase the Availability of Mental Health Services"

H.P. 1070 L.D. 1577

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-636).**

Signed:

Senator: HASKELL of Cumberland

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-637).**

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 BY COMMITTEE AMENDMENT "A" (H-636)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-636).**

Reports **READ.**

Senator BRAKEY of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-637)** Report, in **NON-CONCURRENCE.**

On motion by Senator HASKELL 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 Haskell.

Senator HASKELL: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, this was a very difficult bill, I think, for us in the committee but I am very firmly opposed to the pending motion. I'm opposed to the pending motion because it would mean that the Department of Health and Human Services

would be given the authority to transfer people from Riverview's facility to the IMHU, the Intensive Mental Health Unit, at our State prison. These are, without a doubt, difficult patients, however they are not necessarily patients who have committed any crime. There are people in this population that is under consideration who have not committed a crime, have not been sentenced to prison time. The location in the Intensive Mental Health Unit is not an appropriate location for them. It's not an appropriate location for them for several reasons, not the least of which is the oversight and the level of care that is provided in a prison facility. We're very lucky to have the IMHU. It's a great service to those people who have been found guilty and are serving time in prison, to be able to have their mental health needs stabilized in an IMHU, but that's not who we're talking about. We are talking about people who are in the custody of the Department of Health and Human Services with serious mental illness. The facility at the prison operates under prison rules, not under hospital standards. The standards for prison facilities of that sort are very different. Yes, they do have standards, but it's just like the medical standards at a prison are very different than the medical standards in a hospital. The prison standards for treatment in that facility are very different from the standards that are required at a location that is hospital level of care.

We asked some questions and I'd like to share some of the answers with you. I think they'll be important to you. The first one was whether or not the IMHU has a hospital standard of care. The answer is no. Do they adhere in the prison to the Medicare, the CMS, standards of care? No. Do they adhere to the Mental Health Bill of Rights regarding the recipients of mental health services in the state of Maine? No. When patients become extraordinarily disruptive do they use mace on those patients? Yes. Do they use shackles and leg chains on patients in the IMHU if necessary? Yes. I'm painting a picture here of the difference between being in a hospital and being in a prison. They are very different. Do you use a restraint chair when the patients might need to be restrained? Yes. Do you have correctional officers who work the unit and are responsible for meals, medications, overall prison movement instead of mental health technicians which would be in a hospital? The answer to that is yes. I can go on; protective gear, Plexiglas shield, extraction teams. Does security take precedence over treatment in a prison setting? The answer to that, and I think you would all recognize that, is yes.

This is an inappropriate placement, an inappropriate placement for difficult patients, and I can appreciate. Remember we're talking maybe two or three people a year. We're not talking about tens and twenties. We're talking about two or three people a year. More appropriate placements would be in another State owned hospital, yes, we do have another one, this is not the only one, with the state in another facility that is accredited by JCO, that's the hospital accreditation, national hospital accreditation body, or, and this would be the third and last, a facility outside of the state where there was a hospital level of care. I think this is headed in the absolutely wrong direction, this report. I think it's inappropriate. I think it's unconscionable that we would do this to mentally ill people in the state of Maine and I urge your no vote on the pending motion. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the pending motion and I have to say I do agree with my colleague from Cumberland County on at least one item and that this is a tremendously difficult issue. We truly are caught between a rock and a hard place and none of the options before us are ideal. As someone who is very much a Civil Libertarian, that's especially true as I look at this issue, but we need to understand what's at stake and what is going on at Riverview Psychiatric Center. At Riverview Psychiatric Center we house both civil patients and forensic patients, the difference being forensic patients are individuals who come to Riverview through the criminal justice system, often times because they're found not guilty of a crime by reason of insanity. Sometimes those are very, very serious crimes. We have some delicate ears in the Chamber so I won't describe them, but know that we're, in many cases, talking very serious violent crimes. Riverview is set up as a very open facility. It's not equipped for these particular individuals and the result has been that individuals have been assaulted. We have staff members at Riverview who have been physically assaulted. We have one individual who was beaten within an inch of his life. If we do nothing we face continuing problems there. If we do nothing how long will it be until we're not just looking at assaults, we're not just looking at someone beaten with an inch of his life, but we're looking at someone losing their life.

This solution is not an ideal solution and that's why it was very important to me, as someone who puts a premium on civil liberties, that we have a clear sunset because the long term solution needs to be a separate facility to house these violent individuals, but keeping them at Riverview where they're not just endangering the staff there but they're also endangering the civil population at the hospital who are, themselves, trying to recover, trying to get a place of wellness, but it's very difficult to do so when you are under threat and in danger, in physical danger. These are real problems. This would authorize, with the transfer of, what we're talking about, a small number. We're not talking about all forensic patients, we're talking about really a small number of individuals who committed very serious crimes, or allegedly committed very serious crimes, who have been a clear and present danger to individuals at Riverview. In many cases them being in this open environment, we've heard from psychiatrists and psychologists who testified them being in this open environment is actually not helpful to their long term condition. What they do need to get better is a more controlled environment. Again, the long term solution is a separate facility, but in the short term, while we try to prepare to get things ready to build a separate facility, we have to have a stopgap. That's the proposal in here, the IMHU, which is geared at helping individuals with mental health conditions. In fact, many individuals from Riverview have already ended up at the IMHU because they have assaulted people at Riverview and ended up in the criminal justice system and ended up at the IMHU. These individuals would stay in the custody of the department but they would simply be under the care of this particular facility. They would be under the custody of the Department of Health and Human Services.

I would encourage passage of this motion. Riverview is, and continues to be, a real problem and I don't want the next headline from Riverview to be a staff member or a patient at Riverview who has died because we did not act. Thank you very much.

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

Senator **KATZ**: Thank you, Mr. President. Men and women of the Senate, I'll be very brief. I rise in opposition to the pending motion that seeks to turn patients into prisoners for a number of reasons. First of all, as Chief Justice Watham has opined this may well be inconsistent with the dictates of the Consent Decree which says that forensic patients, that is those who are wrapped up in the criminal justice system, and civil patients are supposed to be treated the same. That will undoubtedly get resolved by a law suit if we pass this; the probable expense to the State of several hundreds of thousands of dollars. Secondly, Mr. President, it has already been alluded to, people who have been incompetent to stand trial or not criminally responsible are, I think, by all federal and state law entitled to hospital level of care, which is very different from an "adequate" level of care that is imposed as an obligation for the treatment of prisoners. When you put people who are hospital-bound into a prison setting, and dumb down their level of care, we are also buying us a second law suit at the expense of several hundreds of thousands of dollars based upon that. Clearly there is a problem at Riverview and these patients, that are very dangerous, need to be somewhere else. I'm still waiting to see the plan from the Administration for a separate forensic facility. It's now the very end of the session and we still haven't seen it. Where is that? I hear that there's going to be a sunset. We're only going to turn the patients into prisoners for a brief period of time. How long? I'm not sure what the sunset is. If it's wrong to do it for a long period of time, it's wrong to do it for a short period of time. Thank you, 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 stand in very strong opposition to this bill. It's not a solution that we should even consider. You cannot put people that have an illness in a maximum security prison that only has convicted felons in it and you have no sight and sound separation. Mr. President, there was actually legislation I was very involved with back in 2010 that created the facility that we have up in Warren. That facility is there to handle the people with mental illness that's in our system, people that have been convicted of a crime, a felony. That happens to be in Warren. It's a place that has no hospital care and every Commissioner that I've ever dealt with has said we cannot provide hospital care in any of our facilities, Mr. President. We have been able to treat people that are doing time, they might be doing 10 and 20 years but they're doing time, in our prison system when they're having a crisis in their life and their mental illness has kicked in. They need to get stabilized, sometimes on their medication that they haven't taken. It's strictly a place for people to be brought down so they can go back into general population. It's not, I repeat, it's not a hospital, it's a prison. These people that we're talking about today haven't necessarily committed any crime to anybody, but they need to be treated and they need to be in a safe, secure, therapeutic environment. There are other bills that we're going to be discussing that are much better than this bill. This bill, I dare say, is probably the worst attempt that we've made since 2010 to try and deal with Riverview's problems. I hope that this Body keeps that in mind when we're dealing with this. We have other options that we can work on as soon as we get rid of this piece of legislation that should not even be in here, being talked about, for sick people that need to be in a hospital setting or need to be in a therapeutic setting; they don't need to be in a prison setting. Mr.

President, thank you very much for your time and your patience, and to the Body also.

**THE PRESIDENT**: 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 some questions that were raised. There was a question raised about when the sunset would be set for. That will be August 1, 2017. We're not even talking about a period of, we're talking about a period of less than two years that this would be in place. Another thing that I would say is that this is, in fact, common practice in several other states, including neighboring New Hampshire. We're not even going as far as they are because we're putting a sunset on it. It's a long term solution in New Hampshire. We're not proposing it to be a long term solution here in Maine. The other thing I'd like to point out is that the IMHU at Warren, if someone is in the IMHU they're not out mingling, they're not going to be mingling with the rest of the prison population in the rest of the prison. They will only be there in the IMHU with other folks in the IMHU. I just wanted to clarify those three points. 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 rarely thought that I would be standing up and arguing a position from the point of view of a Civil Libertarian, but such I find myself in this situation because I think we all believe strongly in the rule of law. You are innocent until you've been proven guilty by a court of law. I think that's actually fundamental here in the United States, in Maine, and in all of our lives. We heard that this will only violate the rights of "a small number of people." I don't care if it's just one person. If you violate the rights of one person you're violating the rights of us all. It's not going to be "long term." That doesn't matter from my point of view. There's a very profound principle underlying our American democracy here at work. We're going to be returning to 18<sup>th</sup> or 19<sup>th</sup> Century England, other European counties, where you incarcerated the mentally ill. I do not think that's appropriate. Thank you, Mr. President.

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

Senator **CYRWAY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I realize how hard this whole situation is. I really do. I worked in the jails. I was a Program Coordinator for two and a half years and I was Assistant Jail Administrator for two and a half more years. We came upon these situations quite often, actually, and that was back when AMHI was around. They would come and evaluate the person and they would decide to bring them to AMHI and then when they couldn't deal with them they'd come back to the jail. Lots of times it was from a court order so what would happen would be we would have the caseworker and also the mental health worker, the doctor, and the administrator and they would go and meet with the judge and the judge would actually decide what to do. I think maybe in this situation, maybe that's the question I want to ask, is there a tiered system to get to that point of where it may go to that because I

know I have a friend that was at this facility and got injured and he's disabled for the rest of his life from being at the facility from a patient. The facility is not designed to handle extreme behaviors to the point where they're dangerous, that they're going to cause injury. This is a concern and I think we're just trying to have a little window, a fix, just to get temporarily to that point, point A to point C and B is kind of like in the middle. I think if we could do that, just in the meantime, and maybe not use that unless necessary, through an order from a judge, that I would think that that would prevent any law suits, but also be protecting the individuals at the facility. That's part of the job. We have to look at protection for the individuals that work at these facilities, their families, their livelihoods. I know we're trying to protect this individual too, but you're protecting them as well, you know, from themselves. We really have to look at this whole picture and try to take care of that. I understand where everybody's coming from, but I think we're just trying to find a solution. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I cannot improve upon the arguments made by other Senators as to why this Ought to Pass as Amended by Committee Amendment "B" motion is wrong on many fronts and I stand in opposition to that motion. I do feel the need to address one point; that was the suggestion that anything other than to support this is to do nothing. It's not a question of if we do nothing because if we defeat this motion than we can go on to the alternative, which is, indeed, another way of addressing all of the concerns raised here without violating people's rights. I suggest that we take that path. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen, I'd just like to clear up a couple of issues. One of the ones I think we haven't talked about is the fact that the IMHU right now is full, all the beds are taken. I would encourage people who have not had the opportunity to go up and take a look, go up there and take a look at that facility. It's worth the trip. It's a good facility. People are behind bars there. When they are outside of that, it's in a semi-circular design, when they are outside of that they are mingling with the rest of the population who is in the IMHU who are convicted felons. This is not a jail where you're serving a sentence for a misdemeanor. This is a prison where you're serving time for a felony. I would also let you know that, yes, it's true people have been hurt at Riverview, but people have also been hurt in the IMHU. As a matter of fact, people have been killed in the IMHU itself. It is a place where they work very hard to create safety, but it is dangerous population in general. I would also like to let you know that at Riverview not all of the most dangerous patients are forensic. We have a problem over there. We need to resolve it. There are recommendations that have been made in other pieces of legislation, which I can't refer to right now. Let me tell you that not all of the dangerous patients are forensic. Some of the civil patients as well are just as dangerous. If we haven't provided protection for our staff at Riverview shame on us and we should be doing better. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (H-637) 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 (#608)**

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

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-637)** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-636)** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-636) **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-636)**, in concurrence.

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase Penalties for the Use of Violence against Firefighters"

S.P. 692 L.D. 1683

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

Signed:

Senator:  
GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro  
DAVITT of Hampden  
LAJOIE of Lewiston  
LONG of Sherman  
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 "A" (S-472)**.

Signed:

Senators:

ROSEN of Hancock  
BURNS of Washington

Representatives:

CHENETTE of Saco  
GERRISH of Lebanon  
NADEAU of Winslow  
THERIAULT of China

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-472)** Report.

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

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

Senator **GERZOFSKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to stand in opposition to this bill, as I have several times in the past, as recently as 2014. We had this bill in our committee, it's been there several times. It's been defeated several times. The reason is it's not necessary. When you look at the committee vote you will see the two fire chiefs that serve on the committee both voted Ought Not to Pass. You'll see all the members of the fire commission on the committee voted the same way. I have the testimony here of the Criminal Law Advisory Council, currently they didn't have a chance to meet on this but members, regarding the current bill, would differ with the position from 2009. Here's what they said in 2009, "The CLAC opposes the proliferation of special statutes addressing conduct that is already criminalized under the general provision of the criminal code." How many times do we have to create a new crime to do the same thing? "The code is designed to prohibit broad categories of antisocial conduct through general statutes that can be applied to a broad range of fact patterns, specialized statutes aimed at conduct that is already covered by more general statutes run counter to this design. Moreover, CLAC is not aware of any problems with prosecuting assaults on firefighters or obtaining adequate sentences in such cases that would justify a specialized statute at the elevated Class C level." Here again, we want to turn a very emotional situation; your house is burning down, your dog's inside, you want to go inside to

try to save your dog and the firefighter says, "No, you can't go in that house, you'll be hurt." Well, you shove him out of the way because it's your house and it's your dog. That's not good behavior, but it's not criminal, it's emotional. When somebody's trying to deal with that situation the firefighters know that that's going to happen. The firefighters know that they have law enforcement there. The firefighters know that if you lift a hand you're going to be prosecuted, but do we have to make every law a felony, every crime a felony, every sentence a felony? Do we really need to do that? We're dumbing down our sentencing all over the country, Mr. President. Legislatures are looking to be smart on crime instead of the old thing about being dumb on crime. We've got to start dealing with these people, dealing with them effectively, making sure their crimes are punished, and that they are punished appropriately. Otherwise we start losing what we have in this country. Mr. President, since I've been on Criminal Justice and Public Safety we have had this bill in front of us several times and it's never gotten this far. We're been able to take care of it in the committee. This time, for whatever reason, it's wound up here in the Chamber and I think that we should deal with it appropriately. It should be Ought Not to Pass. That's what we should be doing. When I look at the votes on this and I look at the committee members, the ones that are most closely associated to this, the fire marshal, the fire chiefs, the firefighters on my committee, the people that are on the fire commission, along with me, we all had the same opinion. I dare say that several members of the committee that are here today serving have voted against this in the past. I'd like to see them not flip their vote and stay with the vote that they always had. Thank you very much, Mr. President.

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

Senator **ROSEN:** Thank you, Mr. President. I'd just like to make one clarification. Representative Theriault of China, he is a fire chief and he voted Ought to Pass. Thank you. Also we protect EMTs, police dogs, police horses. Firefighters are often the first one at the scene and they need to be protected. 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 urge you to accept this Ought to Pass as Amended Report. This bill would add a new section to Title 17-A, section 752, to make assault on a firefighter a crime on equal level with assault on a police officer, which is currently a Class C crime. As you may or may not be aware, we have police officers as A on that title, B we have canines, C we have EMTs that are covered under this current law, and we also have D as police horses covered under this law. Not firefighters. The Legislature decided many years ago that a crime is elevated if an assault occurs against an individual carrying out public administration; the crime is elevated to Class C. The Legislature determined that this type of crime applies to police officers, police officers' dogs, police horses, EMTs. This bill simply asks whether or not firefighters also fall into this category.

What prompted me to submit this bill was an incident that was recently shared with me which two members of the Sabattus fire department responded to an emergency incident and had a gun pulled on them. They had been invited into a home by a

family member to respond to a report of an unresponsive victim and were instead met by a weapon and the individual who was both responsive and very angry. Fortunately, this incident ended peacefully, but this is not an isolated incident. In 2015 a Maine firefighter was assaulted by a homeowner while trying to suppress a fire. Also in 2015 a firefighter was assaulted by a homeowner who was trying to remove him from a burning structure. Also in Fairfield we had an incident where a firefighter went to a burning without a permit situation and they were inebriated and one pushed the firefighter and then two others tackled him.

Keep in mind that firefighters are not only confronted at a fire scene but also are at permitted inspections as well as traffic scenes for various reasons. They walk into the middle of violent situations involving domestic disputes, drugs, and alcohol and are prone to attacks. Opponents can argue all they want about the flexibility prosecutors have with charging assailants. There is simple assault, aggravated assault, criminal threatening, and all of that is in the criminal code. The Legislature specifically created a special category for crimes, assailants who refuse to recognize civil authority and who commit an assault against a public administration, Title 17-A. Do we agree or not that firefighters are exerting civil authority while carrying out public administration? That's the question here. Making assault on a firefighter who is responding to an emergency situation a crime at the same level as assault on a police officer shows that we are doing what we can do to help keep all our emergency personnel safe. It would be a move in the right direction for our state's responders and show them that their safety is of the utmost importance. I ask that all my colleagues join me in showing support for our firefighters. They put their lives on the line for us every day and we owe it to them to do all we can to make their safety our priority. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you very much, Mr. President. Ladies and gentlemen of the House, the Senate, that's what kind of a day this is. A lot of what the good Senator just said is somewhat, is accurate. We do make special laws. We already have those special laws in place that protect these people, these firefighters. My complaint is, my objection, as with the rest of my committee, the firefighters, I think that Captain Lajoie from Lewiston, Ricky Long up in the County, and then we have, do have, Representative Thibodeau down there that's, Theriault, that's a fireman over there in China, he's a volunteer Captain. I wasn't there, as they say, but I know this bill and this bill hasn't been able to get very far because we already have laws in place that take care of it. We don't need to criminalize with a Class C felony anything that might happen, especially something that happens in an environment of this kind of tension, this kind of stress that's going on. Firefighters understand what they're getting into and they know how to handle it. They handle it very well. They are trained very well. Mr. President, I am against this bill. I'm going to oppose it. I'm going to vote that way. I hope other people see it the same way, but, as with several of our bills, we have great titles that don't really reflect what we're trying to do.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, one of the things that gives me pause, that the good Senator mentioned, is the critical nature of the situation involving firefighters, EMTs, police officers, and the similarity to a bill that dealt recently with the critical nature of ferry service, of airlines. All these situations need to be trained for or the response is usually inadequate or inappropriate. I don't know what the level of training is for firefighters. I spoke against the inclusion of EMTs eight years ago, or nine years ago, in the House because they are trained very well for the work they do, the medical work. Firefighters are trained well for the fire fighting. When I was a volunteer firefighter there was no training about how to deal with distraught people in a tense situation. Not only were the people whose house might be burning or car or whatever, not dealing totally rationally, but neither was the firefighter. They're showing up at scene and every scene is different. They are trying to make sense of it and emotions are running high and we have people who you could probably never train to deal well with a distraught homeowner whose pet is inside. For all those reasons, until there's adequate training for emergency situations, I'd stay away from this, but the good Senator makes some other points and those situations that Senator Cyrway mentions are also the worst of the situations. If someone pulls a gun we've got laws. You know you shouldn't be pulling a gun, even if it's in a tense situation or you're a little confused. That one's a lot more clear than someone telling you you can't go back inside when it makes sense to you and it doesn't to them. Yet there are still punishment for that as it exists right now. Thank you.

**THE PRESIDENT:** Is there any objection to allowing a member to speak for the third time? Hearing no objection, the Chair recognizes the Senator. The Chair is in error. The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is my second time. Anyway, I just wanted to say that there was a, if you look at the situation when you go to a call, you have a EMT go and a firefighter. You would like to think that they would have equal situation as far as being treated the same. If this gentleman next to me is an EMT and I'm a firefighter, I'm going to say, he might say, "Hit him, he's get a lesser sentence." I think really they should be treated the same. We are looking at somebody that's working at a professional capacity, being hired by the public, and also working for administration type effort. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen to Accept the Minority Ought to Pass as Amended by Committee Amendment "A" (S-472) 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 (#609)**

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-472)** Report **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-472) **READ** and **ADOPTED**.

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

Sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Promote Recruitment and Retention of State Employees"

S.P. 680 L.D. 1663

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

Signed:

Senator:  
LIBBY of Androscoggin

Representatives:  
MARTIN of Sinclair  
BABBIDGE of Kennebunk  
BEEBE-CENTER of Rockland  
BRYANT of Windham  
DOORE of Augusta  
EVANGELOS of Friendship

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-469)**.

Signed:

Senators:  
WHITTEMORE of Somerset  
WILLETTE of Aroostook

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

Reports **READ**.

Senator **WHITTEMORE** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-469)** Report.

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

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I'll be very brief. There are a couple of issues that I think our committee could not come together on around this bill, but, basically, we view the report before us as the beginning of dismantling of the merit base system for State employees. I think we all know that our state government is having difficulties recruiting competent, qualified employees in a very competitive market out there and making it more difficult for State workers to move up the salary ladder. To make those wages more competitive with their private sector counterparts, I think, is important. First, the report before us would eliminate the minimum salary step for State workers, which would effectively lower the starting pay of anybody entering the State workforce. Second, it raises the bar in terms of employee's ability to earn merit increases and, in so doing, ignores the public policy behind our pay scale system. With that, Mr. President, I ask that we vote down the report before us and move on to the Majority Report. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Somerset, Senator Whittemore to Accept the Minority Ought to Pass as Amended by Committee Amendment "A" (S-469) 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 (#610)**

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-469)** Report **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-469) **READ** and **ADOPTED**.

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

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-478) **READ**.

**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 amendment does, there were a few of us who were a little bit uncomfortable with the ability of giving the Executive Branch to be able to give one-time recruitment bonuses. Basically, all this does is strip that particular provision out of the bill. Thank you.

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-478) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-469) AND SENATE AMENDMENT "A" (S-478).**

Sent down for concurrence.

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

**HELD MATTER**

Bill "An Act To Increase Patient Safety in Maine's Medical Marijuana Program"

S.P. 256 L.D. 726  
(C "A" S-451)

(Senate, April 5, 2016, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451).**)

On motion by Senator **CYRWAY** of Kennebec, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451).**

Senate at Ease.

Senate called to order by the President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#611)**

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

NAYS: Senators: BURNS, COLLINS, CYRWAY, DAVIS, EDGEComb, WHITTEMORE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451).**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

**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 (3/10/16) matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Provide Tax Revenue To Offset Transfers to the Maine Clean Election Fund"

H.P. 1110 L.D. 1634

Report "**A**" - **Ought to Pass** (6 members)

Report "**B**" - **Ought to Pass as Amended by Committee Amendment "A" (H-540)** (6 members)

Tabled - March 10, 2016, by Senator **MCCORMICK** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 9, 2016, Report "**A**" **OUGHT TO PASS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**)

(In Senate, March 10, 2016, Reports **READ**.)

Senator **MCCORMICK** of Kennebec moved the Senate **ACCEPT** Report "**B**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-540)**, in **NON-CONCURRENCE**.

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

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, this is an interesting issue, of course. This was an issue that was brought to the voters, brought by the voters to the voters last fall. Last fall voters overwhelmingly supported expanding the Maine Clean Election Program and offered a funding mechanism, which was directing the Legislature to repeal certain corporate tax expenditures in an amount to pay for the expanded program. We have two competing proposals here and the report that we're discussing is Report "B" which actually is interesting in that it rewrites the citizen initiative that was passed by over 60% of Maine voters just last fall as if that question was not answered by the voters and instead requires that these additional funds come directly from the General Fund. I think folks on the committee were not in agreement on that approach. I think there's an alternative that we can look at after we get through this report that is consistent with the will of the voters and so, Mr. President, I ask that when we vote we vote Ought Not to Pass on the pending motion. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I, too, rise in opposition with two thoughts. The first being that, indeed, this was passed by a citizen referendum last autumn by significant margin and that is the will of the voters. I think we have to respect the will of the voters. Just a brief historical footnote, we haven't always respected the will of the voters here in the United States. After

the Declaration of Independence, the Articles of the Confederation, which were from 1777-78 up to the Constitution in 1789, really was the assemblies and different groups got around to represent their states and they were represented in the Confederation and it was not a direct vote. Sometimes there were direct votes, other times there were groups of imminent people, most often white men, would get together and they'd decide what to do. It was certainly not a normal vote. The Constitution enshrined the will of the people and the vote. We really pay attention to the will of the people and ever since 1789 we have honored that more or less in the United States as the goal to which we ascribe. The will of the people is very important. I think if we go along with the current motion we are not adhering to the will of the people.

The second point I'll make, just very briefly, is that the way the bill was drafted seemed to be quite reasonable, which is to say monies were going to come from corporations that were, the wording is, I don't have the wording, but the corporations had to be reporting exactly what they were, exactly where their money was coming from and how much was getting, coming from abroad, and how much was coming from here in the United States. The specifics of that are very interesting because it eliminates a number of countries. I'm not exactly sure what some of them are, but there are 48 of them, eliminated for their "jurisdiction has no taxes or only nominal taxes."

**THE PRESIDENT:** The Senator would defer. I want to remind folks that we are debating the acceptance of Report "B".

Senator **GRATWICK:** Thank you, Mr. President. I will simply then close by saying there are countries eliminated which I've never even heard of in this situation, not members of the UN. It seems like a very reasonable thing, that the will of the people was going in a very different direction. Thank you, Mr. President. I urge people to vote against the current motion.

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

Senator **MCCORMICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this Report "B" neither goes against the will of the people or the vote of the people. This Report "B" simply recognizes last year we passed a law requiring OPEGA to periodically review all tax expenditures. The first set of those will be coming back in January, so this report simply recognizes; why not base our tax expenditure reductions on a complete review of these tax expenditures that come back to this Legislature next year? We're simply saying for this year funded as has been funded for the past few years from the General Fund, look at the tax expenditures, and make a really sensible decision on which of those can be reduced without impacting anybody unnecessarily. This simply asks the next Legislature to reduce whichever expenditure they'd like. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Kennebec, Senator McCormick to Accept Report "B" Ought to Pass as Amended by Committee Amendment "A" (H-540), 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 (#612)**

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** Report "**B**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-540)**, in **NON-CONCURRENCE**, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-540) **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.

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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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve Teaching Assignments in Maine's Public Schools"  
S.P. 604 L.D. 1544

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-401)** (3 members)

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

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

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

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

On motion by Senator **HILL** of York, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, 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 (#613)**

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

NAYS: Senators: ALFOND, BAKER, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-401)** Report **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-401) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

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

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

Tabled - March 22, 2016, by Senator **BRAKEY** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

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

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would urge you to vote against the pending motion on the floor. What is L.D. 1472 all about? It's about streamlining a government program. It's about creating better customer service. It's about bringing our tax dollars back from the federal government to our communities. The context is this, ladies and gentlemen, more than 208,000 Mainers in the state of Maine live without access to reliable, nutritious food. In other words, they are hungry. That's children. That's elderly. That is 208,000 of our neighbors and our friends. They are food insecure. Food insecurity is one of Maine's quiet crises and affects every part of our state. It almost goes without saying that if you're hungry, you don't know where your next meal is going to come from, and it's very difficult to reach your full potential. What is L.D. 1472? It's call the Child and Adult Care Food Program, of CACFP by its acronym. It is funded by the U.S.D.A. and it provides nutritious food to at-risk children and elderly.

I passed out a sheet. Right now in the state of Maine if you are eligible, the eligible adults, which includes the elderly, only 3% of our eligible adults in the CACFP program are getting the nutritious food they could because of the lack of participation. In fact, if you look at adults, elderly, and children statewide our participation is less than 5%. That means the state is accessing less than 1% of our eligible federal funds for this program. What does this all mean? It means that \$50 million that we send to D.C. in our taxes could come back to help feed our elderly and our children and we're not using it. Why? Why is this happening? Most providers that are eligible have told me, have told the committee, and have been telling state government since 2007 that one of the reasons we're not accessing this money is because of the application. What is this application? It should be something pretty simple. Well, it's only 40 pages long. It's only in paper form. You can't do any sort of internet or on-line processing and it's complicated, it's confusing, and it discourages many eligible entities from applying. All our bill is asking to do is streamline this application, put it on-line, have the department work on it, make sure that it's the programs that you're trying to apply for are easy to find, navigate, and to participate on-line. It is a streamlining bill. It's something to get more eligible folks, both for children and for elderly, for those entities to apply. Are other states doing this? Of course they are. This is the 21<sup>st</sup> Century. You should be able to go on-line and you should be able to process an application on-line. States like California, Oklahoma, Colorado, Tennessee already have moved to on-line applications and a claims portal.

Why should this very commonsense bill be in this posture of divided? The Department of Health and Human Services testified that they're already doing an analysis on the CACFP program and they are going to create some type of on-line submission with other programs sometime in the future. Folks, I sat with the Department of Health and Human Services on the Taskforce to End Student Hunger last year. When we brought up CACFP it was almost like I was watching the who did it because we'd say, "Well, where are some of these eligible sites across the state?" They didn't have any answers. We asked, "Well how many, how are you interacting with these sites?" They had no answers. In fact, if it wasn't for the taskforce we wouldn't even know that we're using less than 5%. All I am asking, folks, from this vote, and to actually defeat the pending motion, is to hold the department accountable for creating a streamline application and we're doing that in this possible bill, but if we could beyond this motion we could actually have a date certain. A date certain where this on-line application would be made easier and streamline for elderly and for children. I ask the Senate to reject this, to move on to the bi-partisan Majority Report, because I believe Maine taxpayers demand streamlining. I think they demand better customer service. I think they want to help our at-risk children and elderly. This small investment in CACFP would bring us millions, like I said, \$50 million we're not bringing back to the state. It is my belief that, you know, government should be transparent. We shouldn't be doing things behind closed doors and we should be held accountable and that includes our agencies. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I will be very brief. I agree with Senator Alfond on one thing, this is a good idea. In fact it's such a good idea that the Department of Health and Human Services testified they are already in the process of doing it. Those of us who voted on the Ought Not to Pass Report were not arguing that this is not a good idea, but simply that it is not necessary to have a bill directing the Department of Health and Human Services to do something that they are, in fact, already doing. For that reason we voted Ought Not to Pass on this report and I would encourage the Chamber to vote Ought Not to Pass with this motion. Thank you very much.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I was in the same hearings that the other two speakers were in and I would suggest that this is not a matter of whether or not you trust or don't trust. I do trust, but I also think it's important that we verify, that we put some limits in place and some timelines in place. I think trust but verify is what we ought to be thinking about. Thank you.

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

Senator **JOHNSON:** Thank you, Mr. President. I would ask a question through the Chair for anyone in the Body who wishes to answer.

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

Sent down for concurrence.

Senator **JOHNSON:** Thank you, Mr. President. By what date and month is the department going to implement this program?

**THE PRESIDENT:** The Senator from Lincoln, Senator Johnson poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, that's a great question because we have no idea. That's the challenge that I have with just wanting to trust the Department of Health and Human Services but also wanting to verify. There is one other piece, just to make sure that people realize that this is not something that this Administration is only at fault at, when I was doing a little research there was actually a 2007 report done on CACFP. It was called the Paperwork Reduction Work Group which probably could be used today in a lot of cases. The Paperwork Reduction Work Group. This was under a different Administration. In that work group they recommended the following: support the increased use of technology to streamline recording, create and implement electronic submission process, and implement electronic program review. It's now 2016 and a different Administration and, again speaking to what the Senator from Cumberland said, I trust but I also want to verify. At the hearing there was no indication of when they would actually have this technology done by the department and it could be 2216 when another Senator sitting here asking the same questions. I don't think Maine people deserve that type of customer service. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#614)**

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

NAYS: Senators: ALFOND, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOF SKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later Assigned (3/29/16) matter:

JOINT ORDER - Directing the Joint Standing Committee on Taxation To Report Out a Bill To Adjust the Property Tax Valuation of Old Town Following the Closure of the Old Town Expera Pulp Mill

H.P. 1145

Tabled - March 29, 2016, by Senator **MASON** of Androscoggin

Pending - **PASSAGE**, in concurrence

(In House, March 28, 2016, **READ** and **PASSED**.)

(In Senate, March 29, 2016, **READ**.)

Senator **CUSHING** of Penobscot moved the Joint Order be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

The Chair noted the absence of the Senator from York, Senator **VALENTINO**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#615)**

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, DESCHAMBAULT, DIAMOND, DILL, GERZOF SKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO

EXCUSED: Senator: VALENTINO

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE**, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (3/29/16) matter:

JOINT ORDER - Directing the Joint Standing Committee on State and Local Government To Report Out a Bill Directing the Issuance of the Senior Housing Bonds

H.P. 1146

Tabled - March 29, 2016, by Senator **MASON** of Androscoggin

Pending - **PASSAGE**, in concurrence

(In House, March 28, 2016, **READ** and **PASSED**.)

(In Senate, March 29, 2016, **READ**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#616)**

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

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

EXCUSED: Senator: VALENTINO

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MASON** of Androscoggin to **INDEFINITELY POSTPONE**, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (3/31/16) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Authorize Advance Deposit Wagering for Horse Racing"

H.P. 875 L.D. 1279

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-614)** (11 members)

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

Tabled - March 31, 2016, by Senator **CYRWAY** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 30, 2016, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-614)**.)

(In Senate, March 31, 2016, Reports **READ**.)

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

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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I just want to rise briefly to speak against the motion. As I read the bill it simultaneously nationalizes an industry, monopolizes that industry, and create a new tax all at the same time. For those very brief reasons, I cannot support the motion.

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

Senator **ALFOND:** 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 **ALFOND:** Thank you, Mr. President. The previous speaker from Androscoggin peaked my attention. I would just like to understand how there's a new tax that would be put on, I guess, ADW, is that what it's called, so there would be a new tax?

**THE PRESIDENT:** The Senator from Cumberland, Senator Alfond poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK**: Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, yes, there would be a new tax. What this is, is just like we have our casino, you have a cascade within the casino which would divert monies from the gambling establishment that was there, our casinos, and sends it to education and many other things. This advance deposit wagering would actually make it legal to vote for internet gaming. A vote against this motion is a vote for an out-of-state internet provider taking illegal bets and keeping the illicit gains. Basically what we're saying is their doing internet wagering right now and we're not getting any tax revenue or anything otherwise than \$5 to \$10 million going out of the state right now. If we want to protect harness racing and the industry you would want to support this motion. Thank you, Mr. President.

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

Senator **CYRWAY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to reiterate what Senator Patrick was saying, that also this does help the agricultural fairs, the horsemen, the breeders, the commercial tracks, and off track betting facilities. It also helps the industry, as far as agriculture. This is just basically tax money we're not getting and if we vote against this this is just going to go to the out-of-state. We're just not going to get that money. They are doing it in 32 states and of course this is just a win-win situation for the state of Maine.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Cyrway to Accept the Majority Ought to Pass as Amended 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 (#617)**

YEAS: Senators: BAKER, BURNS, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, EDGECOMB, GERZOFISKY, HAMPER, HASKELL, HILL, KATZ, LANGLEY, LIBBY, MASON, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WILLETTE, WOODSOME

NAYS: Senators: ALFOND, BRAKEY, BREEN, CUSHING, GRATWICK, JOHNSON, MCCORMICK, MILLETT, WHITTEMORE, THE PRESIDENT - MICHAEL D. THIBODEAU

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **CYRWAY** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-614) **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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The Chair laid before the Senate the following Tabled and Later Assigned (4/4/16) matter:

JOINT ORDER - Authorizing the Joint Standing Committee on Health and Human Services to Report Out a Bill To Establish a Moratorium on Rate Changes Related to Rule Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28 and 65  
H.P. 1156

Tabled - April 4, 2016, by Senator **CUSHING** of Penobscot

Pending - **PASSAGE**, in concurrence

(In House, April 1, 2016, **PASSED**.)

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

**PASSED**, in concurrence.

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

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create a Secure, Therapeutic Mental Health Unit"  
S.P. 169 L.D. 440

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-458)** (3 members)

Tabled - April 4, 2016, by Senator **ROSEN** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

Sent down for concurrence.

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

Bill "An Act To Increase Government Efficiency"  
S.P. 446 L.D. 1241

Tabled - April 4, 2016, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In House, March 17, 2016, **PASSED TO BE ENACTED**.)

(In Senate, March 22, 2016, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, April 4, 2016, **RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 697). On motion by Senator **KATZ** of Kennebec, **RECONSIDERED ENACTMENT**.)

On motion by Senator **KATZ** of Kennebec, the Senate **SUSPENDED THE RULES**.

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

On further motion by same Senator, Senate Amendment "A" (S-479) **READ**.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, this bill was a unanimous committee report. It address the remote participation by the boards of four bond issuing authorities, the Maine Municipal Bond Bank, the Maine Health and Higher Education Facilities Authority, the Government Facilities Authority, and the Maine State Housing Authority, and it fixes a concern that the bond counsel raised. The Senate Amendment incorporates a recommendation from the Chief Executive. The amendment complements the committee's report. It was drafted by the authorities and the Chief Executive's staff. I urge your support. Thank you, Mr. President.

On motion by Senator **KATZ** of Kennebec, Senate Amendment "A" (S-479) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-479)**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (4/5/16) matter:

HOUSE REPORT - from the Committee on **JUDICIARY** on Bill "An Act To Amend the Child Protective Services Laws"  
H.P. 842 L.D. 1224

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-629)**

Tabled - April 5, 2016, by Senator **BURNS** of Washington

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, April 4, 2016, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-629)**.)

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

Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-629) **READ**.

On motion by Senator **BURNS** of Washington, Senate Amendment "A" (S-462) to Committee Amendment "A" (H-629) **READ**.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill received a lot of work in the Judiciary Committee from both the committee and also the stakeholders. In essence, it dealt with issues concerning child custody and access of information from case reports by families, the hearing dates for preliminary protection orders, and also standards used for placement of children. This amendment that I'm offering at this point has to do with the jeopardy situation. The standard for removing a child for protection, or preliminary protection of order, is jeopardy. In other words, whether or not the child is at risk or neglected. This amendment holds that that same standard should be used when placing a child with someone other than family members. In other words, it makes a change. It would presume that, unless otherwise rebutted, it would presume that the children should be placed with kin or family members unless that presumption is rebutted. The court must look at what is in the best interest of the child and if you take into consideration when a child is removed from custody of the parents and goes into a foster care you're looking at a period of nine months to a year, quite often, before that situation is resolved and by that time the child has established a bond, a relationship, with the foster family. It's kind of like a situation where the onus switches over as to whether or not it's good for the child or in the child's best interest to be removed out of that environment and go back with the family members or kin. I guess the question would be at that point, what is in the best interest of the child? This is a very delicate situation, a difficult situation, that children that we take into custody in this state face on a regular basis, an every day basis. It's one that's never been really completely resolved, in my mind. I, personally, have been involved with foster care since the 1980s. I've seen a lot of these situations myself and it really is a difficult situation, but in order to err on the side of caution this simple change that is recommended here, proposed, in this amendment would require that the change when a court decides whether the child is going to be placed in kinship as opposed to a foster parent that the standard of proof goes from the preponderance, in other words 51% of the evidence, to a rebuttable presumption. In other words the State would have to demonstrate that it's not in the best interest of the child to be placed in that relative's care for the duration of the time that it takes to resolve these cases. In essence, what we are trying to decide is what is best for the child's best interest. Is it better for them to be in a safe environment of relatives or kin or is

it best for the child to be in a foster home? Our position, and my position, here is that unless there's evidence to show otherwise they would be better off in a situation with a relative. Thank you, Mr. President, for your time.

On motion by Senator **JOHNSON** of Lincoln, 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 Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to put this in perspective for you and take a moment to go through what we considered on this bill in committee. First of all, the question of what guidance the court should have when placing a child in temporary custody. That was not before the committee. That was not something that we heard testimony on. What we did hear testimony on, and what this bill was about, we reached a unanimous committee support for. The possibility of an amendment similar to the one that is now being offered was considered by the committee as well and it was rejected. No one on the prevailing side moved to reconsider our vote on the bill in order to give this amendment consideration. Now what it is looking to do is to alter a standard that has been in place for a long time and really it's the gold standard in our courts when dealing with children matters. That's a standard of the best interest of the child. As statute currently reads, it provides the children in State custody should be placed with adult relatives when possible. That is already the preference. This amendment would turn that on its head and basically require that people, in some instances, prove a negative in order to establish that some other option is more in the interest of the child, their best interest. These are very serious matters and in this bill the committee found ways to address some serious concerns about the process, whether it was transparent, whether it was communicating what the nature of the process was effectively to parents or guardians. We addressed that. What was not before this committee and was not voted approval of by the committee sending this report to you was changing the standards whereby who receives temporary custody of a child were to be established. In a little different part of the statutes, in the last year we dealt with a similar question however, that of elevating in matters of child custody in relation to divorce. Our committee heard a bill that was seeking to elevate the parent's, individual parent's, interest in custody above the best interest of the child. Similar quandary. The committee, at that time, voted unanimously Ought Not to Pass on elevating those matters above the standard of the best interest of the child. The committee has, as I mentioned earlier, rejected the thought of introducing the same element into the bill that's before you and I ask for your support in voting against the pending motion. This is not an amendment which has come through the proper process. It has not had comment from the public. It has, for that matter, questionable relevance to the bill that's before us because that question wasn't opened up in this bill and it wasn't heard. I urge you to join me in opposing this amendment. Thank you.

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

Senator **ALFOND:** Thank you, Mr. President. I request a Roll Call.

**THE PRESIDENT:** A roll call has already been ordered. The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, again I'll try to be brief but I rise in opposition to the pending motion. This amendment doesn't address the subject of when jeopardy is found and when a child is going to be taken away from his or her parent. It doesn't change that standard at all. Already in the law is the preference in favor of kinship care. The law says that the court is to place the child with an adult relative if it's possible. That's the language, if it's possible. I suggest, Mr. President, that that's enough direction to the court to favor kinship placement. We start changing the standard, and start talking about rebuttable presumptions, I would suggest we're tying the hands of judges who have to exercise their very difficult discretion in these cases and particularly where apparently the matter wasn't subject to significant public hearing. I would suggest that we should be very careful about further tying the hands of our judges. Thank you.

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

Senator **BURNS:** Thank you, Mr. President. Just very briefly, if I can just make one more statement. What this boils down to, to me, is if we're going to make any errs, and there's all kinds of opportunity to err, let's err on the side of kin and family for these children. This gives an opportunity for the court to look at that in all earnestly and if there is evidence to show that that shouldn't take place I have great confidence in the department that they will make other decisions, otherwise let's give families an opportunity to take care of their own children. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Washington, Senator Burns to Adopt Senate Amendment "A" (S-462) to Committee Amendment "A" (H-629). 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 (#618)**

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



19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **BURNS** of Washington to **ADOPT** Senate Amendment "A" (S-462) to Committee Amendment "A" (H-629) **PREVAILED**.

Committee Amendment "A" (H-629) as Amended by Senate Amendment "A" (S-462) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-629) AS AMENDED BY SENATE AMENDMENT "A" (S-462)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (4/5/16) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Consent to Land Transfers to the Federal Government"

H.P. 1091 L.D. 1600

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-571)** (6 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 1, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571)**.)

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

Senator **WHITTEMORE** of Somerset moved the Senate **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** Report, in concurrence.

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

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion and I'll briefly tell you why. The intent of this bill, I think, is fairly clear. The sponsor is looking to slow the progress of any development of a park in his district and I think those efforts are noble, however I have some fairly grave concerns about the bill and its application across the state. Effectively, if this bill becomes law there will be no more designations of any national monuments of any kind at any point in the future in any community in Maine. I think that goes well beyond the intent of what the sponsor is trying to achieve. If this bill becomes law of course it's not just that simple. It gets very complicated when we start thinking about the U.S.

Constitution supremacy clause because this bill seeks to, at the state level, limit the powers of the U.S. President and his powers. I think there are some serious Constitutional questions here. I think our legal community would be very pleased if this bill were to pass because there are any number of law suits that could be filed. With that, Mr. President, I ask that we vote against the pending motion. Thank you very much.

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

Senator **BREEN:** Thank you, Mr. President. I also rise in opposition to the pending motion. I have reviewed some of the testimony that came before the, that came up around L.D. 1600. I'd like to share just a few of them. From Gail Fanjoy, President of the Katahdin Area Chamber of Commerce and resident of Millinocket, "I urge you to reject this deeply misguided bill that would place more obstacles in the path of economic and community survival in the Katahdin region." Further from Dan Cockran, retired Chief Forester of Great Northern Paper, where he served for 25 years, and a resident of Millinocket, "I'm here today as an advocate of economic development in our area. This bill would make it a lot more difficult. I ask you to vote Ought Not to Pass." Shelly Farrington, a resident of Millinocket, "It's hard enough trying to attract economic development to our region as it is now. Please don't create any more obstacles with this bill." Cody McKuen, a resident of Millinocket, "L.D. 1600 does not do anything but hinder economic development in a region which desperately needs it." These statements, Mr. President, I think are testimony to the local people who live in the area, who are trying to rebuild their local economy, and I support those efforts and that is why I oppose the pending motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise very briefly. I just, I heard the invocation of the supremacy clause and as a Constitutionalist I cannot abide the supremacy clause being so abused. The supremacy clause, just for the record, reads, "This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties which shall be made under the authority of the United States shall have the supreme of the land." The key statement there is, "in pursuance thereof." We would want to look to Article 1, Section 8, of the Constitution to see what legitimate authorities the federal government has and know when the federal government is granted the authority to make purchase of large land masses against the will of the state that that land is in. Therefore, the supremacy clause would not apply in this situation and I will be supporting the motion before us because we don't need the federal government doing this to us. Thank you.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I'm not a Constitutional lawyer but the ones who appeared before the committee on this bill were in agreement, that this bill is likely unconstitutional, that it is violating the supremacy clause. If we pass this bill here's how I see things going. We're going to get sued. We're going to lose. We're

going to waste several hundreds of thousands of taxpayer's money in the effort. I hope we don't go down that road, Mr. President. Thank you.

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I stand in opposition to this bill, this motion, and it really irks me that the spirit of this bill. Here we are in an area that would benefit from a stronger economy. We've got businesses and people working in the Chamber and trying to bolster the economy that are saying what a mistake it would be. In fact, there's been a study done by Headwaters Economics on local economy surrounding 17 national monuments expanded following the creation of the new national monuments. The study looked at job creation, per capita income, and along with other economic indicators. They all were higher in communities, internationally, with monuments than in similar areas without a national monument.

We learned recently that Maine's tourism economy is doing well, generating a record \$5.6 billion in revenues with a total economic impact of \$8.3 billion, supporting more than 98,000 jobs. Our healthy tourism sector is fueled by attractions and this is one of Maine's strengths. This bill would impose new hurdles to creation of new attractions and, frankly, something that has a lot more cachet across the nation for people looking where to go for destination, a national monument. You can't get better advertising than to have all kinds of brochures across the country saying among the national monuments one is here in Maine. This is a case of the state meddling in private rights and the federal authority. It's not in our state's economic interest. It's not in our state's environmental interest. It's not in keeping with the spirit of local control or home rule because the national monument designations, like any land protection, are locally driven. Many of the existing rights, in fact I would say the only place where those would likely to be really imposed upon would be if there's a national park established. That takes an act of Congress. Here we're talking about national monument.

Anybody here taken their kids to the Grand Canyon, or wish they had? I actually drove out there with my family and we hit a lot of places along the way too and had a great time until we stepped close to the edge and that's when it dawns on you just how impressive the Grand Canyon is. We went there because it was one of those places known nationwide now as a national park, but it started as a national monument. The Statue of Liberty is a national monument. I don't know why, with this bill, we're intent on thumbing our noses at landowner's rights and the federal government's powers under our Constitution and an interest in helping our economy, in helping our tourism, when we are interested, when a landowner in Maine is interested assisting them in creating a national landmark, one of those special places in our state. I would ask you to join me in opposing this motion. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. I've listened with interest to the discussion, the long discussion that has gone around this subject. Mr. President, I probably more than anyone am familiar with this region of the state. I grew up in the shadow

of Mt. Katahdin. My parents had a campground. I spent many of my young formative years there. I watched Millinocket and East Millinocket and the surrounding areas become examples to other parts of the state with the industry that went on there. Today that's just a shell of what it once was, Mr. President. That region of the state is a beautiful area. Much of it is pristine. It's pristine because private landowners, who have owned that sometimes for multiple generations, have respected the land. They have acted as stewards of that land. They have harvested the wood from that land. They have allowed people, Mainers who did not have the privilege of owning that land, to cross their property in respect to snowmobile, to boat, to hike, and to fish. Governor Baxter provided this state with a unique gift in what he did through his largesse in providing Baxter State Park. That's a well-managed State park, Mr. President. What we're talking about here is surrendering our destiny of our forests in this state to a federal bureaucracy. Mr. President, this may or may not be legal in the eyes of some people. They've indicated that it would be constitutionally not possible or inappropriate. I think that's why we have the third branch of government. I think it's clear that we should send a message, Mr. President, that Maine land should not be forfeited to, once again, a federal bureaucracy. Thank you, Mr. President.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll be very, very brief. I, too, looked at some of the testimony. I think there were 30 some odd people who testified on this bill. I'll just read a very brief concept which gives me a little bit of insight as to what people are concerned about, and I quote, "Just last month the President used this authority to designate three national monuments in California, limiting commercial use of 1.8 million acres of land." I think maybe people are a little bit concerned and they think the state of Maine ought to have some weigh-in on this when those types of designations are made. 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, this is not a forfeiture of land. This is land that is donated. This doesn't apply just to the one project that keeps being mentioned. This is a law that would affect the whole state of Maine. There are numerous projects that could be accepted and everyone here would agree on them and draw interest from around the country and the world. This is a big brush to solve a small issue that's not even in agreement but one thing that is in agreement, private landowners can donate their land and that's not called forfeiture. To put in a poison pill, for everything that would affect the state and the federal government is already been mentioned, that it will be a big fight that we will lose, but more than that we don't need to tell private landowners what they can or can't do with their land. This would do that to some extent. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#619)**

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-571) **READ** and **ADOPTED**, in concurrence.

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

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

\_\_\_\_\_  
The Chair laid before the Senate the following Tabled and Later Assigned (4/5/16) matter:

**Emergency Measure**

An Act To Facilitate Access to Naloxone Hydrochloride  
H.P. 1054 L.D. 1547  
(C "A" H-619)

Tabled - April 5, 2016, by Senator **CUSHING** of Penobscot

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

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-619)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-619), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-473) to Committee Amendment "A" (H-619) **READ** and **ADOPTED.**

Committee Amendment "A" (H-619) as Amended by Senate Amendment "A" (S-473) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

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Senate at Ease.

Senate called to order by the President.

\_\_\_\_\_  
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-619) AS AMENDED BY SENATE AMENDMENT "A" (S-473)** thereto, in **NON-CONCURRENCE.**

Ordered sent down 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.

\_\_\_\_\_  
On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Thursday, April 7, 2016, at 11:00 in the morning.