

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

In Senate Chamber
Thursday
March 6, 2014

Senate called to order by President Justin L. Alfond of Cumberland County.

Prayer by Pastor Judith Gould, Fairfield United Methodist Church.

PASTOR GOULD: Good morning. Grace and peace to you on this glorious day in Maine. Would you please join me now in a spirit of prayer and quiet meditation. Today we come before our individual understandings of the holy. We come powerful, heart-broken, vigorous, ill in body or spirit, wise, and occasionally silly. We ask directions as we go about the business of the state, praying that we do what is best for the people of Maine and this magnificent land in which we live. We pray for wisdom and we pray for patience, most particularly, with each other. Help us to listen carefully and respond appropriately. When we disagree, remind us that each separate understanding of a matter under consideration comes from another human being struggling to do what's best for our state. At the end of the day, grant us rest and satisfaction in the knowledge of a job well done. Amen.

Pledge of Allegiance led by Senator Eloise A. Vitelli of Sagadahoc County.

Reading of the Journal of Wednesday, March 5, 2014.

Doctor of the day, Brenda Gowsesky, MD of Camden.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **JACKSON** of Aroostook, the following Joint Order:
S.P. 723

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, March 11, 2014 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Paper

Resolve, To Require the Installation of a Fence on the Penobscot Narrows Bridge (EMERGENCY)

H.P. 1295 L.D. 1804

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **MAZUREK** of Knox, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 791

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 27, 2014

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1759 Resolve, Implementing the Recommendations of the Commission To Study the Incidence of and Mortality Related to Cancer (EMERGENCY)

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Margaret M. Craven S/Rep. Richard R. Farnsworth
Senate Chair House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 792

L.D. 369 An Act To Redesign Maine's School Funding Model

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

We have also notified the sponsor and cosponsors of the Committee's action.

February 27, 2014

Sincerely,

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

S/Sen. Anne M. Haskell Senate Chair S/Rep. Adam A. Goode House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor, Commerce, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1743 Resolve, Directing the Department of Defense, Veterans and Emergency Management To Develop a Portable Voucher System To Subsidize Rental Housing for Veterans in the State

We have also notified the sponsor and cosponsors of the Committee's action.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Honorable Edward Youngblood, of Brewer, who is the recipient of the 2014 Catherine Lebowitz Award for Public Service given by the Bangor Region Chamber of Commerce. We extend our congratulations and best wishes to Senator Youngblood on his receiving this award;

SLS 745

Sincerely,

S/Sen. John L. Patrick Senate Chair S/Rep. Erin D. Herbig House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

Sponsored by Senator CUSHING of Penobscot. Cosponsored by Senators: President ALFOND of Cumberland, BOYLE of Cumberland, BURNS of Washington, CAIN of Penobscot, CLEVELAND of Androscoggin, COLLINS of York, CRAVEN of Androscoggin, DUTREMBLE of York, FLOOD of Kennebec, GERZOFKY of Cumberland, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LACHOWICZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland, SAVIELLO of Franklin, SHERMAN of Aroostook, THIBODEAU of Waldo, THOMAS of Somerset, TUTTLE of York, VALENTINO of York, VITELLI of Sagadahoc, WHITTEMORE of Somerset, WOODBURY of Cumberland, YOUNGBLOOD of Penobscot, Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BENNETT of Kennebunk, BERRY of Bowdoinham, BLACK of Wilton, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROOKS of Winterport, CAMPBELL of Newfield, CAMPBELL of Orrington, CAREY of Lewiston, CASAVANT of Biddeford, CASSIDY of Lubec, CHAPMAN of Brooksville, CHASE of Wells, CHENETTE of Saco, CHIPMAN of Portland, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DICKERSON of Rockland, DILL of Old Town, DION of Portland, DOAK of Columbia Falls, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor,

The Following Communication: S.C. 793

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

March 4, 2014

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFIELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, KUSIAK of Fairfield, LAJOIE of Lewiston, LIBBY of Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McELWEE of Caribou, McGOWAN of York, McLEAN of Gorham, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Fort Kent, NADEAU of Winslow, NELSON of Falmouth, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, PEAVER HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of Augusta, POWERS of Naples, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus.

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 just want to call the attention of the Body to this Resolve. When one of our own gets such a distinguished award as the Catherine Lebowitz Award for Public Service given by the Bangor Region Chamber of Commerce it's an opportunity for all of us to celebrate the good work of one of our colleagues. Senator Youngblood was so honored recently at a banquet in Bangor. I understand there were close to 1,000 people there. Normally their attendance is about 30, so they were all there to see Senator Youngblood. We commend him on the lifetime of community service that led to this award. Thank you, Mr. President.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I had the honor of being in attendance that night at the Bangor Region Chamber of Commerce annual awards dinner with nearly 1,000 of my friends from the Bangor region to honor Senator Youngblood. It's important to know that the name of the award that Senator Youngblood received is the Catherine Lebowitz Award for Public Service. Kay, as she was known to all of us and loved by us across the state, served in the State Legislature from the Bangor area and was a pillar of the community for, particularly, the support of veterans and troop greeters. She has set a high bar. It's quite an honor to receive an award named for her. I would also say, particularly, Senator Youngblood was honored that night for his work in the Legislature, both before and now; especially his work on the omnibus energy bill during the prior session. It was a great night and Senator Youngblood shared some really positive words with all of us at the end, words to live by. I only wish his lovely wife could be here with us today as we honor him once again. Thank you, Mr. President. It was an honor to be there.

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

Senator **THIBODEAU:** Thank you Mr. President. As many of Senator Youngblood's colleagues on this side of the aisle know Senator Youngblood has many trophies at home. This is certainly one that he's extremely proud of. I can't think of anybody that would be more deserving of this than Senator Youngblood. It's always great when one of the members of this Chamber is recognized by his community in this way. We're really proud of him and I know that Mrs. Youngblood is as well. Thank you.

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

Senator **GRATWICK:** Thank you Mr. President. I, too, wish to rise and congratulate Senator Youngblood on this. It's rare that Bangor and Brewer get together so well in this particular instance. There was really unanimous approval of this. I would say that it was not possible without the new Cross Center in Bangor, which, indeed, could seat 1,000 and could seat more. I hope that there will be other people to be so honored and we'll have 1,200 or 1,300 in the center in Bangor. My congratulations. Thank you.

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, I am proud to say that I had the honor of being the only member of this Body who has Senator Youngblood for a seatmate. I could only hope some of that rubs off on me. Thank you.

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

Senator **YOUNGBLOOD:** Thank you Mr. President. This is as much of a surprise as the Kay Lebowitz Award was. I thank you very, very much. It's humbling. Kay was a lovely, lovely lady.

Loved to have fun as much as working in areas of public service. It was humbling honor to get an award in the face of approximately very close to 1,000 people at this dinner. When you look out over the audience and you know there's at least 500 people out there more deserving of the honor than you are. As I said to them that night, this is a wonderful, wonderful world we live in but in the big scheme of things we're here for a very, very short period of time. We all have a responsibility to try to leave this world a better place than we found it. I'd only leave you with one quote. Thank you for this honor. One day your life will flash before your eyes. Make sure it's worth watching.

PASSED.

Sent down for concurrence.

The Maine Centers for Women, Work and Community, of Augusta, for its more than 35 years of service. Founded in 1978 as a displaced homemakers program through state legislation, the Maine Centers for Women, Work and Community is the only statewide women's economic development organization in Maine. Organized into 6 regions, it serves all 16 Maine counties from 10 centers and 8 outreach sites and is administered by and operates under the educational tax-exempt status of the University of Maine at Augusta. The Maine Centers for Women, Work and Community has helped over 35,000 individuals through career and life transitions and guided them into jobs, higher education, self-employment and greater economic security for over 35 years. Graduates of the program have found employment, started small businesses, increased their savings and assets and contributed to their communities as active citizens. We congratulate the Maine Centers for Women, Work and Community on its success, and we extend our best wishes;

SLS 770

Sponsored by Senator VITELLI of Sagadahoc. Cosponsored by Senator: KATZ of Kennebec, Representatives: FOWLE of Vassalboro, GRAHAM of North Yarmouth, POULIOT of Augusta, WILSON of Augusta.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you Mr. President. I'm pleased to stand here today to welcome my colleagues and many of our program graduates from the Maine Centers for Women, Work, and Community that are here today. Many of them for the first time are getting to experience what their state government does. I hope that many of you have a chance throughout the course of the day to speak with some of them and listen to their stories. Many of them, all of them, are quite inspiring. I hope that you have that opportunity. I'd also like to thank this Body who, in its wisdom, back in 1978 created what was then called the Maine Displaced Homemakers Program and, for every year thereafter, has supported our organization, we changed our name, obviously, several years ago, with funds from the General Fund so that we can continue to do our work and serve men and women from all 16 counties of the state, helping them start

careers, and go back to school to skills training that they need to start small businesses and become leaders in their communities, as many of those who are here today have done. Finally, I would say in the words of one of our founding sponsors, some of you may be old enough to remember our dear friend, who we all know so much, who is from Falmouth, who started our program, who said that this is an organization that provides hope, helps people develop a plan, and is a hand up and not a hand out. Thank you very much.

PASSED.

Sent down for concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Increase the Amount of Funds Available to Counties for Witness Fees, Extradition Expenses and Prosecution Costs"
H.P. 1173 L.D. 1601

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-648).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-648).**

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

READ ONCE.

Committee Amendment "A" (H-648) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Provide Funding for the Veterans Treatment Courts"
H.P. 1221 L.D. 1697

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-649).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-649).**

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

READ ONCE.

Committee Amendment "A" (H-649) **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 **TRANSPORTATION** on Bill "An Act Concerning Learner's Permits" (EMERGENCY)
H.P. 1183 L.D. 1611

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-653)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653)**.

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

READ ONCE.

Committee Amendment "A" (H-653) **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 Bill "An Act Regarding the Laws Governing Liquor Licensing and Enforcement" (EMERGENCY)

H.P. 1186 L.D. 1614

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-652)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652)**.

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

READ ONCE.

Committee Amendment "A" (H-652) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Directing the Department of Agriculture, Conservation and Forestry To Create a Pilot Program To Support the State's Small Food Processors
H.P. 1092 L.D. 1521

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

Signed:

Senators:
VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:
DILL of Old Town
CRAY of Palmyra
MAREAN of Hollis
TIMBERLAKE of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-634)**.

Signed:

Representatives:
BLACK of Wilton
HICKMAN of Winthrop
JONES of Freedom
KENT of Woolwich
NOON of Sanford
SAUCIER of Presque Isle

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Ensure That Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown"

H.P. 1108 L.D. 1541

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

Signed:

Senators:
LACHOWICZ of Kennebec
COLLINS of York
GERZOFKY of Cumberland

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
BOLDUC of Auburn
COTTA of China
HAYES of Buckfield
MacDONALD of Old Orchard Beach
NADEAU of Winslow
NADEAU of Fort Kent
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-633)**.

Signed:

Representative:

CHENETTE of Saco

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

Senator **LACHOWICZ** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **WOODBURY** 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 (#443)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LACHOWICZ, MASON, MAZUREK, MILLETT, PATRICK, SHERMAN, THIBODEAU, VALENTINO, VITELLI, WHITTEMORE, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: JACKSON, LANGLEY, PLUMMER, SAVIELLO, THOMAS, TUTTLE, WOODBURY

28 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Senate

Ought to Pass As Amended

Senator MAZUREK for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws" S.P. 636 L.D. 1645

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-411)**.

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

READ ONCE.

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

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

Sent down forthwith for concurrence.

Senator MAZUREK for the Committee on **TRANSPORTATION** on Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2015" S.P. 674 L.D. 1708

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-410)**.

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

READ ONCE.

Committee Amendment "A" (S-410) **READ** and **ADOPTED**.

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

Sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers" S.P. 412 L.D. 1175

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-413)**.

Signed:

Senators:
HILL of York
CAIN of Penobscot

Representatives:

ROTUNDO of Lewiston
CAREY of Lewiston
CLARK of Easton
FREY of Bangor
JORGENSEN of Portland
KESCHL of Belgrade
ROCHELO of Biddeford

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

Signed:

Senator:

FLOOD of Kennebec

Representatives:

CHASE of Wells
SANBORN of Gorham
WINSOR of Norway

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (S-413) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Support Homeless Shelters" S.P. 682 L.D. 1717

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-414).**

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
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:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ.**

Senator **CRAVEN** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, the state of Maine is divided into three sections serving youth who are homeless. One is situated in Bangor, one in Portland, and there were two shelters in the second district which one is still located in Lewiston and one located in Skowhegan. The Skowhegan shelter closed last year and now the only 24 hour shelter that exists in the state of Maine for homeless youth is in Lewiston. Portland and Bangor sent people to testify in favor of this bill because their shelters are not 24 hour shelters. Corrections, as well as the Department of Health and Human Services, use this shelter because it is the safest place for homeless youth to stay. They can stay up to 30 days, go to school, engage in therapy to see if they can be reconciled with their families, and, if they cannot, some of them are set up in group homes so that they can be safe and go to school. This bill would have required the department to continue funding the second district as usual, even though the house had closed. We are still serving all of the homeless youth in the second district, and some from beyond, at New Beginnings in Lewiston. I didn't want, and we had asked, the Majority had asked, for this money not to be repurposed but to be continued to be shared equally with the other two districts. That is what this bill would do. I was, I guess, surprised that it came out as being controversial, but I would ask for your vote and your support in keeping the dollars being delivered equally to all three districts. Thank you very much, Mr. President.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I don't rise in opposition to homelessness or to homeless shelters and that sort. What I rise and I speak against is the statutory restriction on the Department of Health and Human Services as to how they allocate their

funds. It is as simple as that. We will be putting a restriction on the department with this bill. If there is a need in one area, and there are extra funds in another area, the department wants the ability to be able shift funds where the needs are. This will lock the funding into previous levels. It's a statutory provision that could also put a region at risk and not having adequate funding if the need arises. Please allow the department flexibility and vote no on this. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven 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 (#444)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, VITELLI, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, YOUNGBLOOD

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-414) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend Insurance Coverage for Diagnosis of Autism Spectrum Disorders"

S.P. 127 L.D. 347

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-412)**.

Signed:

Senators:

GRATWICK of Penobscot
WOODBURY of Cumberland

Representatives:

TREAT of Hallowell
BEAUDOIN of Biddeford
BECK of Waterville
COOPER of Yarmouth
MORRISON of South Portland
PRINGLE of Windham

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

Signed:

Senator:

WHITTEMORE of Somerset

Representatives:

DOAK of Columbia Falls
FITZPATRICK of Houlton
McCLELLAN of Raymond
WALLACE of Dexter

Reports **READ**.

Senator **GRATWICK** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House As Amended

Bill "An Act To Strengthen Enforcement Standards for Potatoes"
H.P. 1157 L.D. 1586
(C "A" H-632)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate As Amended

Bill "An Act To Allow Municipalities To Stabilize Sand Dunes Affected by Actions of the Federal Government"
S.P. 635 L.D. 1644
(C "A" S-405)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

ENACTORS

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot
H.P. 131 L.D. 156
(C "B" H-587)

Comes From the House, **FAILED FINAL PASSAGE.**

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 21 Members of the Senate, with 14 Senators having voted in the negative, and 21 being less than two-thirds of the Members present and voting, **FAILED FINAL PASSAGE**, in concurrence.

Resolve

Resolve, To Provide Maine Students with Access to Online and Digital Learning Opportunities through Their Existing School Districts

S.P. 689 L.D. 1736
(H "A" H-631 to C "A" S-392)

On motion by Senator **KATZ** of Kennebec, 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 Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. Women and men of the Senate, I rise in support of L.D. 1736, which is a Resolve to Provide Maine Students with Access to Online and Digital Learning Opportunities Through Their Existing School Districts. Men and women of the Senate, we are woefully behind in our efforts to increase digital learning opportunities in our great state. In an Executive Order dated February 1, 2012, the Chief Executive penned an order to expand opportunities for digital learning in Maine. The Executive Order directed the Maine Department of Education to develop a strategic plan to expand digital learning opportunities for Maine students. It went on to say that the department should meet with students, parents, teachers,

school administrators, experts in educational information technology, and other persons interested in digital learning and review those existing policies in other states and develop a plan for Maine, including the statutory changes needed to make it happen. The order went on to say that no later than January 4, 2013 the department shall present the digital learning strategic plan to the Governor and Joint Standing Committee having jurisdiction over education and cultural affairs. It's now March 2014 and a digital learning strategic plan has not been submitted to the Education Committee. The DOE website indicates that the DOE staff is still in the drafting phase and have just filled the vacant positions in the technology department.

Late in the fall I was approached by Maine School Management Association to see if I would support a moratorium on virtual charter schools. I declined at that time because I saw a straight moratorium as a way to stop virtual charter schools and future legislation. However, I told Maine School Management that I would support a moratorium if Maine School Management and Maine Education Association were to work together to bring digital learning to all of our schools in Maine, sooner rather than later. They took me up on my office and have been working together since. I realize the incentive to come together in this fashion was initially driven by fear of virtual charters, nonetheless, there is now much more motivation to expand digital learning in Maine than ever before. There is enthusiasm amongst school districts to find a better way to deliver on-line education to all school districts at a competitive price. Declining enrollments, reductions of programming, tight budgets, lack of advance course work, and scheduling conflicts are motivating factors for digital learning. I am a supporter of charter schools, innovative school districts, early college, and reforms that will enable our students to achieve new heights in their pursuits of education. However, I feel an obligation to our tax payers to do so in the most cost effective way possible. Concerns that under Maine Charter School Law a virtual charter would receive the state average tuition per student, that starts at a base of around \$6,700 and goes up from there, has raised the question; is this the best deal for Maine tax payers?

Further investigation lead me to learn that Maine would be considered the gold standard for full-time virtual education. I support charter schools but I also support good value for the dollar. My bill would suspend Monday's decision of the Charter Commission regarding current virtual applications until July 31, 2014 if there is not an effort made to create a memorandum of understanding with New Hampshire's Virtual Learning Academy to bring more digital learning opportunities to Maine. If this benchmark is met the moratorium is then extended to January 2015 to give time for a stakeholder group to develop on-line and digital learning opportunities in Maine. I envision more digital learning opportunities for traditional public schools, public charter schools, private schools, town academies, and homeschool children would be available using a statewide digital platform. I've spoken with the Director of New Hampshire's VLA last week and they are ready to work with Maine, as they are already an approved provider in Maine. A memorandum of understanding could be executed in short order. It makes tremendous fiscal sense to partner initially with our neighbor to the west and take full advantage of their experience, knowledge, and capital investment. That's why there is no fiscal note on this legislation. Our partnership would exist in the short run until we can go out on our own. It's time to fulfill the intent of the Executive Order of 2012.

In conclusion, I believe in virtual education. My masters degree work is in on-line education and I believe we can provide virtual education to all of our students in Maine at a very competitive cost. Thank you for listening.

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

Senator **MILLETT:** Thank you Mr. President. Men and women of the Senate, I rise today in support of L.D. 1736 as amended. There is a growing understanding and appreciation for the potential role virtual learning can play in education, especially in a rural state like Maine where some schools may lack the requisite resources to provide the breadth and depth of course offerings of other schools. This is the foundation from which the Education Committee built bi-partisan support for this bill and upon which I hope you will join us. On the local, state, and national level businesses, law enforcement, political, and military leaders agree that it is critical to move aggressively to improve the educational attainment of our youth. As such, it is clear that we need to make every effort to insure Maine's children, no matter where they live and no matter their economic circumstances, have equal opportunity to grow, explore, and develop skills necessary for success as adults. This bill is designed to do just that. As mentioned earlier, it builds off a concept outlined in the Governor's 2012 Executive Order, An Order to Expand Opportunities for Digital Learning, and strengthens access to on-line classes, utilizing clear benchmarks and an abbreviated timeline in order to make sure our goals are achieved. It wisely leverages the New Hampshire Virtual Learning Academy strengths and learned lessons while building upon Maine's budding network. The goal is simple; give every Maine student an option to receive instructions in a course, or a series of courses, that they would not otherwise be able to access. Endorsing this bill means that we have the opportunity to help over 180,000 Maine students as compared to the 750 potential virtual charter school students. The contrast of the economics involved is stark. The good Senator from Hancock County, Senator Langley, has worked hard to craft legislation, including a moratorium on virtual charter schools, that will bring all parties together to move Maine forward. Maine superintendents, principals, and teachers enthusiastically support a Maine-run statewide virtual exchange, yet the Department of Education continues to throw out argument after argument as to why it is impossible for anyone to create a statewide virtual exchange despite evidence to the contrary in New Hampshire and Ohio. The short lived moratorium will get the department to finally move forward on making Maine's digital learning resources more robust, with the full cooperation of our educators. This bill offers important next steps for expanding and strengthening on-line learning opportunities in Maine in a way that is efficient and effective. Please join me in supporting L.D. 1736 so that our children have every opportunity to fulfill their potential. Thank you.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today in regards to the pending issue. If you would grant me a couple of moments to digress, I've stood with the good Senator from Hancock at several events

related to education, the skills championships and the Bridge Year Program, and watched the pride he has in the success of those students. I think many people involved in this discussion on L.D 1736 have the interest of the students at heart and I commend that. It makes it all the more difficult for me not to be able to support the good work that the Senator has done on this bill because I know the passion that he has and the determination he applies to these situations to try and bring compromise and what's best for the students out of it. However, L.D. 1736 is not the course that I believe will get us there. I feel that in this effort we have lost track of the fact that the opponents of charter schools have used a number of tools to delay and prevent the evolution that is necessary for students in Maine to adapt to a digital global economy. There are already successful models out there, but we cannot continue to delay the process for Maine students. L.D. 1736, as drafted, creates the state virtual charter school as a false promise because it puts a moratorium in place, awaiting for actions that really have no direct bearing on the quality of education that we wish to provide our students. The bill puts power in the hands of those who are working to ban efforts at virtual education from the private sector. Additionally, what to me is disappointing, this takes away the choice from parents and students and puts it in the hands of administrators, some of whom are passionate about digital education and some of whom see it as a threat to already tight funding considerations for their budgets. While I respect greatly the concerns that they have and I respect greatly the efforts of many in the education community to try and craft this, I think it's time to move forward and that's why I would ask all of you to follow my light in opposing L.D. 1736. Thank you.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, it is not secret around here that I am a passionate supporter of school choice for all Maine students, no matter what their zip code or their economic standing. I applaud the Chair and the Republican Lead of the Education Committee for crafting a bill that attempts to move virtual education forward. I've always been a strong and ardent supporter of virtual education and I appreciate their efforts on trying to make the department move along on an initiative that was outlined in the Chief Executive's Executive Order from two years ago. However, I don't believe that this is the right course of action for public education in Maine. Let's be very clear on what this bill does. It sets up a virtual cooperative that provides a hub of digital education for students across the state. This is in addition to a brick and mortar public school. Extended course offerings, advance course offerings. That is a wonderful thing. The bill would allow us to work with New Hampshire or Ohio to take what they have already nearly perfected and use that for our students here in Maine. What New Hampshire and Ohio do is use course offerings from K-12 Connections Academy to offer to their students. I think that's great. Superintendents would be able to offer unique classes to all of their kids through one of these digital exchanges. The other part of this bill is a moratorium on virtual charter schools. The same two schools that provide course offerings for the proposed cooperative would then be banned from opening their own charter school. I think that that's the wrong course of action. I believe that by passing this moratorium we are halting the forward progress of public education in our state.

There is another option. We can do both. We can have both the digital cooperative to enhance our course offerings to our tradition public schools and we can have a virtual charter school that provides more options for students and families. I think that by putting this moratorium in place, and passing this Resolve, we are not doing all we can do to support the entirety of public education, whether that be traditional or charter. I would urge you all to oppose the pending motion and follow my light on this issue. Thank you, Mr. President.

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

Senator **BOYLE:** Thank you Mr. President. Men and women of the Senate, I rise in support of L.D. 1736. For me, education is the great equalizer of opportunity in the state for our children. This measure will ensure more students have an opportunity to learn from a curriculum or a class not offered in their schools. When done right, virtual learning can be an important new tool for Maine. This is a rural state and it can be a challenge to connect students with the resources they need. On-line learning can help us overcome that challenge. I've made the point before, I think everybody knows, I'm a small business owner. I'm in support of businesses. I'm all for a private business making a profit. Schools are for learning. They are not profit centers. Education isn't about the bottom line. It's about preparing our children for the future. Again, I support on-line learning, but we need to make every effort to ensure Maine's children, no matter where they live and no matter their economic circumstances, have equal opportunity to grow, explore, and develop skills necessary for success as adults, which is what this bill would do. Supporting this effort will help more than 180,000 Maine students access courses they would not otherwise be able to take. I support on-line learning and I hope you will support this bill. Thank you.

At the request of Senator **HASKELL** of Cumberland, Resolve **READ.**

THE PRESIDENT: The pending question before the Senate is Final Passage. 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 (#445)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, COLLINS, CRAVEN, DUTREMBLE, GERZOFSKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, SAVIELLO, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, CUSHING, FLOOD, HAMPER, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the Resolve was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend the Election Laws" (EMERGENCY)
H.P. 1187 L.D. 1615
(C "A" H-620)

In Senate, February 26, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-620)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-620) AND HOUSE AMENDMENT "A" (H-662)**, in **NON-CONCURRENCE.**

On motion by Senator **HASKELL** of Cumberland, the Senate **RECEDED** and **CONCURRED.**

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 Measure

An Act To Expedite Training Waiver Decisions for Unemployment Claimants by Transferring Original Jurisdiction from the Unemployment Insurance Commission to the Bureau of Unemployment Compensation

S.P. 663 L.D. 1668
(C "A" S-407)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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 Expand the Number of Qualified Educators
H.P. 34 L.D. 39
(C "A" H-621)

An Act To Enable the Bureau of Labor Standards To Access Federal Reimbursement by Amending State Law To Conform to Federal Law

S.P. 634 L.D. 1643
(C "A" S-404)

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

Ordered sent down forthwith.

An Act To Preserve Head Start and Child Care Services
H.P. 1205 L.D. 1682
(C "A" H-624)

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

Resolve

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 672 L.D. 1706
(C "A" S-406)

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

Ordered sent down forthwith.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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 Amend the Election Laws

H.P. 1187 L.D. 1615
(C "A" H-620; H "A" H-662)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

Senator **TUTTLE** of York was granted unanimous consent to address the Senate off the Record.

Senator **VITELLI** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator **CLEVELAND**: Thank you Mr. President. I wanted to keep the Chamber up to date on some important energy matters from time to time. I briefly just wanted to bring to your attention, it didn't get much publicity, a recent Judicial Supreme Court ruling, actually on March 4th of this week, in regards to a decision by the Public Utilities Commission that was contested by the Houlton Water Company, the Public Advocate, and the Industrial Energy Consumer Group. I bring it to your attention because it was a

critical piece of the restructuring of the electric utility industry, which was my bill when I was here at a previous time that restructured the industry and it also played a lead role in the bill. The central question was this; when we restructured the industry what we said was that there would be a T and D, transmission and distribution, portion of the electric utility industry and then everything else on the generation side would be separated from the transmission and distribution side, for the purposes of making sure that we had competition in the generation of energy and that there would be in no way any favoritism or any influence by the transmission and distribution companies in regards to who the generators were and who provided the energy. There was some question, apparently, about that in the PUC decision. Recently Emera, which is the merged company of Bangor Hydro and Maine Public Service, joined in a partnership with First Wind to proceed ahead as an affiliate. The court said, unequivocally, that that violated that law and that that was part of bringing back generation into the T and D and therefore violated the intent of the law. I couldn't concur more with the Chief Justice and the other Justices of the Supreme Court. That is exactly what we intended when we passed the bill. I think it served the state well and will continue to do so. I wanted to bring that your attention because it was a critical decision just this week.

Senator **KATZ** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 11, 2014, at 10:00 in the morning.