

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

In Senate Chamber
Tuesday
April 2, 2013

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

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

REVEREND JOHNSEN: The prayer I bring to you this morning is a blessing for one who holds power. It is written by John O'Donohue.

May the gift of leadership awaken in you as a vocation. Keep you mindful of the providence that calls you to serve. As high over the mountain the eagles spreads its wings, may your perspective be larger than the view from the foothills. When the way is flat and dull in times of gray endurance, may your imagination continue to evoke horizon. When thirst burns in times of drought, may you be blessed to find the wells. May you have the wisdom to read time clearly and know when the seeds of change will flourish. In your heart may there be sanctuary for the stillness where clarity is born. May your work be infused with passion and creativity and have the wisdom to balance compassion and challenge. May your soul find the graciousness to rise above the fester of small mediocrities. May your power never become a shell wherein your heart would silently atrophy. May you welcome your own vulnerability as the ground where healing and truth join. May integrity of soul be your first ideal, the source that will guide and bless your work. So may it be, may it be so. Amen.

"State of Maine Song" performed by Birdie Katz of Augusta.

Pledge of Allegiance led by Senator Thomas B. Saviello of Franklin County.

Reading of the Journal of Thursday, March 28, 2013.

Doctor of the day, David Andrews, MD of Falmouth.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 896

**JOINT RESOLUTION RECOGNIZING
MAINE'S CREDIT UNIONS**

WHEREAS, Maine's credit unions are member-owned and member-governed financial cooperatives dedicated and committed to serving the needs of their members and communities. The not-for-profit structure of credit unions provides each member with an equal voice and representation in the operations of the credit union. Serving members in all 16 Maine counties and in every community, Maine's credit unions operate with the primary purpose of benefiting the Maine consumers who use credit unions; and

WHEREAS, the economic benefit that Maine's credit unions provide to Maine consumers is approximately \$38,000,000 annually, as a result of lower and fewer fees on products and services, lower interest rates on loans and higher interest rates on savings; and

WHEREAS, Maine is once again ranked as the nation's 5th-strongest credit union state based on the percentage of the population that uses a credit union, a position Maine has held for 10 consecutive years. With more than 627,000 members, credit unions serve nearly one in every 2 Maine residents; and

WHEREAS, the 2,050 full-time and part-time employees of Maine's credit unions and the more than 1,000 unpaid volunteers who serve on credit union boards and committees demonstrate the core credit union values, philosophy and mission of people helping people by contributing to the communities they serve; and

WHEREAS, since 1990 Maine's credit unions and their members have raised \$4,800,000 to help end hunger in Maine. One hundred percent of all money that is raised through the Maine Credit Unions' Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of Maine families and individuals who otherwise would go hungry. In addition to contributing thousands of dollars to food pantries in communities across the State, Maine's credit unions also help to provide funds for statewide initiatives to help end hunger, such as being the primary source of funding for the State's only Food Mobile. In partnership with the Good Shepherd Food-Bank, the Food Mobile has delivered over 2,693,000 pounds of food to food pantries in every Maine county since it began in 2005; and

WHEREAS, in 2012 Maine's credit unions contributed more than \$1,000,000 to a variety of causes and to a number of organizations, such as financial literacy programs, the American Red Cross and Special Olympics. In the past 10 years, members of Maine's credit unions contributed more than 256,000 hours, including a record of more than 41,500 hours last year, volunteering for organizations and activities in communities throughout the State, making a significant and positive impact not only on the organizations that received this assistance but also on

the people who were served by and benefited from the services and resources provided; and

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

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

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its 61 member credit unions.

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

READ and **ADOPTED**, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: H.P. 897

**YORK SCHOOL DEPARTMENT
OFFICE OF THE SUPERINTENDENT OF SCHOOLS
469 U.S. ROUTE ONE
YORK, MAINE 03909-1638**

March 20, 2013

WHEREAS, the Governor's unprecedented biennial budget proposal places school districts and towns in an untenable and uncertain fiscal position during their budget planning; and

WHEREAS, the proposal falls \$200 million short of funding local schools at the 55% level passed in referendum; would continue cuts to the state's reimbursement of General Purpose Aid by an estimated \$12.6 million; would shift more than \$28 million in retirement costs onto school districts resulting in significant losses of local tax revenue; and

WHEREAS, the above shifts costs to towns, particularly the more than 70 minimum receivers in the state, whose only major means of raising revenue is property taxes, be it

RESOLVED, the York School Committee calls upon the Maine State Legislature to reject these proposals, identify harmful cost

savings, and raise revenue in an equitable fashion to avoid this regressive tax shift.

Respectfully submitted,

S/Tim Fitzgerald, Chair
for the York School Committee

Comes from the House, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

The Following Communication: H.P. 898

**ROCKPORT, MAINE
101 MAIN STREET
ROCKPORT, MAINE 04856**

March 11, 2013

WHEREAS, Governor LePage has proposed a biennial budget which would have a significant and negative impact on local municipal services and property taxes; and

WHEREAS, this biennial budget proposal calls for redirecting that portion of the sales and income tax revenues normally distributed to municipalities under the Revenue Sharing Program toward balancing the State Budget; and

WHEREAS, this biennial budget proposal calls for redirecting commercial vehicle excise tax revenues away from municipalities toward balancing the State Budget; and

WHEREAS, this biennial budget proposal dramatically curtails the Homestead and Circuit Breaker programs designed to reduce local resident property tax burdens for the purpose of balancing the State Budget; and

WHEREAS, this biennial budget proposal calls for the elimination of the BETR program that reimburses municipalities for lost personal property taxes for the purpose of balancing the State Budget; and

WHEREAS, this biennial budget proposal calls for drastically reducing funding to local schools (again failing to meet the Citizen Referendum mandate of 55% support) for the purpose of balancing the State Budget; therefore, be it

RESOLVED, that the Select Board for the Town of Rockport calls upon the Maine Legislature and Senator Edward Mazurek (Knox County) and Representative Joan Welsh (Camden-Rockport) to reject these proposals and restore revenue sharing to municipalities, retain full funding of General Assistance reimbursements, maintain the homestead and circuit breaker relief programs, restore excise taxes to previous levels, retain the BETR program and support to schools in order to avoid this regressive tax shift.

S/William Chapman, Chair
S/Charlton Ames, Vice-Chair
S/Tracy Lee Murphy, Member
S/Geoffrey Parker, Member
S/Kenneth McKinley, Member
S/Roger Moody, Interim Town Manager

March 14, 2013
A True Copy, Attest:
S/Linda M. Greenlaw, Town Clerk

Comes from the House, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

The Following Communication: S.C. 181

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 26, 2013

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

Dear President Alford and Speaker Eves:

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

L.D. 382 An Act Regarding the Period of Time for Which an Incarcerated Person Is Eligible To Earn Good Time

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

Sincerely,

S/Sen. Stanley J. Gerzofsky
Senate Chair

S/Rep. Mark N. Dion
House Chair

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

The Following Communication: S.C. 182

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

March 25, 2013

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

Dear President Alford and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 417 An Act To Ensure That All Voters Are Able To Vote in Regional School Unit Budget Elections
- L.D. 462 An Act To Dedicate Funds for Emergency Back-up Power for Schools
- L.D. 528 An Act To Require Parental Consent for a School To Conduct Mental Health or Behavioral Screening on a Student
- L.D. 531 An Act To Allow Students To Audit Classes at University of Maine System Campuses
- L.D. 669 An Act Requiring School Administrative Units To Adopt School Volunteer Policies
- L.D. 709 An Act To Require Students To Receive Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator prior to Graduation

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Rebecca J. Millett
Senate Chair

S/Rep. W. Bruce MacDonald
House Chair

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

The Following Communication: S.C. 183

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

March 26, 2013

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

Dear President Alford and Speaker Eves:

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

L.D. 595 An Act To Exempt School Administrative Units That Do Not Directly Serve Children with Disabilities from Certain Reporting Requirements

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

Sincerely,

S/Sen. Rebecca J. Millett
Senate Chair

S/Rep. W. Bruce MacDonald
House Chair

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

The Following Communication: S.C. 184

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

March 27, 2013

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

Dear President Alford and Speaker Eves,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Dunphy of Embden, to report the following bill Leave to Withdraw:

L.D. 1242 An Act To Dissolve the Anson Water District

Sincerely,

S/Sen. John J. Cleveland
Senate Chair

S/Rep. Barry J. Hobbins
House Chair

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

The Following Communication: S.C. 185

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

March 26, 2013

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

Dear President Alford 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 bills out "Ought Not to Pass":

L.D. 520 An Act To Protect Maine Consumers from Predatory Medical Pricing

L.D. 539 An Act To Ensure Parity in the Ability To Counsel Patients

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Margaret M. Craven
Senate Chair

S/Rep. Richard R. Farnsworth
House Chair

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

The Following Communication: S.C. 186

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

March 27, 2013

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

Dear President Alford and Speaker Eves:

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

- L.D. 580 An Act To Prohibit Denial of Insurance Coverage When a Building Contains a Wood Stove
- L.D. 683 An Act To Assist Homeowners with Wood Stoves in Obtaining Property Insurance

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Geoffrey M. Gratwick
Senate Chair

S/Rep. Sharon Anglin Treat
House Chair

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

The Following Communication: S.C. 187

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON MAINE'S WORKFORCE AND ECONOMIC
FUTURE**

March 26, 2013

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

Dear President Alford and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Maine's Workforce and Economic Future has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 516 An Act To Create the Integrated Manufacturing Program Fund

- L.D. 737 An Act To Promote Workforce Development and Training in the Heating, Ventilation, Air Conditioning and Energy Efficiency and Conservation Trades

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Seth A. Goodall
Senate Chair

S/Rep. Seth A. Berry
House Chair

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

The Following Communication: S.C. 188

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

March 26, 2013

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

Dear President Alford and Speaker Eves:

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

- L.D. 469 An Act To Allow the Commissioner of Marine Resources To Investigate Price Fixing of Lobster (EMERGENCY)

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

Sincerely,

S/Sen. Christopher K. Johnson
Senate Chair

S/Rep. Walter A. Kumiega
House Chair

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

The Following Communication: S.C. 189

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

March 26, 2013

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

Dear President Alford and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 856 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require State Officers To Be Elected by a Majority of Voters

L.D. 858 An Act To Partially Fund Tax Breaks for the Wealthy by Eliminating Certain Gubernatorial Benefits

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Colleen M. Lachowicz
Senate Chair

S/Rep. Anne P. Graham
House Chair

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

The Following Communication: S.C. 190

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

March 26, 2013

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

Dear President Alford 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":

L.D. 762 An Act To Facilitate Collection of Property Taxes on Personal Property

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

Sincerely,

S/Sen. Anne M. Haskell
Senate Chair

S/Rep. Adam A. Goode
House Chair

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

The Following Communication: S.C. 191

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

March 28, 2013

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

Dear President Alford and Speaker Eves:

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

L.D. 12 Resolve, Directing the Department of Transportation To Add a Reference to the Katahdin Trail to the Sign for the First Newport Exit on Interstate 95 North

L.D. 13 Resolve, Directing the Maine Turnpike Authority To Place Signs Directing Motorists to Berwick Academy

L.D. 363 An Act To Improve Safety on Railroad Rights-of-way

L.D. 404 An Act To Exempt Snowmobile Clubs from Certain Department of Transportation Sign Requirements

L.D. 446 Resolve, Directing the Department of Transportation To Develop a Less Corrosive Road Deicing Strategy

- L.D. 571 Resolve, To Require Signs Recognizing the 45th Parallel North in Maine
- L.D. 590 Resolve, To Include Questions about Texting on the State's Written Driver's License Examination
- L.D. 620 An Act To Expand the Authorized Operation of All-terrain Vehicles on Roads
- L.D. 712 Resolve, Directing the Department of Transportation To Place Signs on Interstate 295 Directing Motorists to the Town of Harpswell
- L.D. 817 Resolve, To Require That a Sign Directing Motorists To Gould Academy Be Placed on the Maine Turnpike

financial assistance, which was \$3.2 billion during fiscal year 2012.

This document contains the following reports and schedules:

- Independent Auditor's Report
- Basic Financial Statements, Management's Discussion and Analysis, Notes to Financial Statements, and Required Supplementary Information
- Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards
- Independent Auditor's Report on Compliance With Requirements That Could Have a Direct and Material Effect on Each Major Program and on Internal Control Over Compliance in Accordance With OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings and Questioned Costs
- Financial Statement Findings
- Indexes to Federal Program Findings
- Federal Findings, Questioned Costs and Corrective Action Plan
- Summary Schedule of Prior Audit Findings

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Edward J. Mazurek
Senate Chair

S/Rep. Charles K. Theriault
House Chair

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

The Following Communication: S.C. 192

**STATE OF MAINE
DEPARTMENT OF AUDIT
LETTER OF TRANSMITTAL**

March 28, 2013

Senator Justin L. Alfond
President of the Senate

Representative Mark W. Eves
Speaker of the House of Representatives

The Honorable Paul R. LePage
Governor of Maine

I am pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2012. This audit was conducted in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Our audit complies with 5 MRSA §243 and is a prerequisite for the receipt of federal

On behalf of the Maine Department of Audit, I thank employees throughout Maine government who have assisted us during our audit. I know that we all work to improve financial reporting and accountability for our citizens and our State.

Please contact me if you have questions or comments about the 2012 Single Audit of the State of Maine.

Respectfully submitted,

S/Pola A. Buckley
State Auditor

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

SENATE PAPERS

Bill "An Act To Help Small Farmers in Selling Raw Milk and Homemade Food Products"

S.P. 444 L.D. 1282

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative KESCHL of Belgrade and Representative: HICKMAN of Winthrop.

Bill "An Act To Amend the Laws Governing Animal Trespass"
S.P. 445 L.D. 1283

Presented by Senator SAVIELLO of Franklin. (BY REQUEST)
Cosponsored by Senators: BOYLE of Cumberland, FLOOD of
Kennebec, GRATWICK of Penobscot.

Bill "An Act To Establish the Livestock Damage Compensation
Fund"

S.P. 450 L.D. 1307

Presented by Senator JOHNSON of Lincoln.
Cosponsored by Senators: BOYLE of Cumberland, MAZUREK of
Knox, Representative: JONES of Freedom.

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to
the Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Ensure Equitable Support for Long-term Energy
Contracts"

S.P. 440 L.D. 1278

Presented by Senator YOUNGBLOOD of Penobscot.
Cosponsored by Representative CAMPBELL of Orrington and
Senators: CAIN of Penobscot, JACKSON of Aroostook,
THIBODEAU of Waldo, Representatives: DAVIS of Sangerville,
LIBBY of Waterboro, NEWENDYKE of Litchfield.

On motion by Senator **CLEVELAND** of Androscoggin,
REFERRED to the Committee on **ENERGY, UTILITIES AND
TECHNOLOGY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Establish a Stewardship Program for Architectural
Paint"

S.P. 451 L.D. 1308

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senators: President ALFOND of Cumberland,
BOYLE of Cumberland, GOODALL of Sagadahoc, GRATWICK of
Penobscot, KATZ of Kennebec, LACHOWICZ of Kennebec,
Representative: WELSH of Rockport.

On motion by Senator **BOYLE** of Cumberland, **REFERRED** to the
Committee on **ENVIRONMENT AND NATURAL RESOURCES**
and ordered printed.

Sent down for concurrence.

Bill "An Act Regarding Delayed Birth Registration"
S.P. 446 L.D. 1284

Presented by Senator CRAVEN of Androscoggin.
Cosponsored by Representative SIROCKI of Scarborough.
Submitted by the Department of Health and Human Services
pursuant to Joint Rule 204.

On motion by Senator **CRAVEN** of Androscoggin, **REFERRED** to
the Committee on **HEALTH AND HUMAN SERVICES** and
ordered printed.

Sent down for concurrence.

Bill "An Act To Provide for Licensing of Recreational Therapists"
S.P. 443 L.D. 1281

Presented by Senator LACHOWICZ of Kennebec.
Cosponsored by Representative CASSIDY of Lubec and
Senators: BOYLE of Cumberland, CRAVEN of Androscoggin,
GRATWICK of Penobscot, PATRICK of Oxford, Representatives:
BEAR of the Houlton Band of Maliseet Indians, BOLAND of
Sanford, MAKER of Calais, SOCTOMAH of the Passamaquoddy
Tribe.

Bill "An Act To Improve Access to Dental Care through the
Establishment of the Maine Board of Oral Health"
S.P. 453 L.D. 1310

Presented by Senator PATRICK of Oxford.
Cosponsored by Senators: BURNS of Washington, CRAVEN of
Androscoggin, HASKELL of Cumberland, HILL of York,
JACKSON of Aroostook, JOHNSON of Lincoln, LACHOWICZ of
Kennebec, Representatives: BEAUDOIN of Biddeford, BEAVERS
of South Berwick, BERRY of Bowdoinham, BOLAND of Sanford,
CAMPBELL of Newfield, DICKERSON of Rockland,
EVANGELOS of Friendship, GILBERT of Jay, GOODE of Bangor,
HERBIG of Belfast, KRUGER of Thomaston, KUSIAK of Fairfield,
LAJOIE of Lewiston, LOCKMAN of Amherst, LONGSTAFF of
Waterville, MASON of Topsham, MASTRACCIO of Sanford,
MORRISON of South Portland, NEWENDYKE of Litchfield,
RANKIN of Hiram, RUSSELL of Portland, SANBORN of Gorham,
SHAW of Standish, STUCKEY of Portland, VILLA of Harrison,
WELSH of Rockport, WINCHENBACH of Waldoboro.

Bill "An Act To Amend the Laws Governing Unemployment
Compensation To Ensure Conformity with the Federal Trade
Adjustment Assistance Extension Act of 2011"
S.P. 454 L.D. 1311

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative VOLK of Scarborough and
Senator: CUSHING of Penobscot, Representatives: CAMPBELL
of Newfield, GILBERT of Jay, HAMANN of South Portland,
LOCKMAN of Amherst, MASON of Topsham, WINCHENBACH of
Waldoboro.
Submitted by the Department of Labor pursuant to Joint Rule 204.

Bill "An Act To Amend Licensing Requirements for Professional Engineers"

S.P. 456 L.D. 1313

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative BECK of Waterville and Senators: FLOOD of Kennebec, LACHOWICZ of Kennebec, Representatives: FOWLE of Vassalboro, HICKMAN of Winthrop, LONGSTAFF of Waterville.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

On motion by Senator **PATRICK** of Oxford, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State, Attorney General and Treasurer of State

S.P. 441 L.D. 1279

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representatives: CHENETTE of Saco, CHIPMAN of Portland, Representative FREDETTE of Newport and Senators: GOODALL of Sagadahoc, KATZ of Kennebec, THIBODEAU of Waldo, YOUNGBLOOD of Penobscot, Representatives: WILLETTE of Mapleton, WINSOR of Norway.

Bill "An Act Authorizing the Deorganization of the Town of Bancroft"

S.P. 442 L.D. 1280

Presented by Senator SHERMAN of Aroostook.
Cosponsored by Representative LONG of Sherman and Representative: WILLETTE of Mapleton.

Bill "An Act To Create a Succession and Knowledge Transfer Plan for State Government"

S.P. 455 L.D. 1312

Presented by Senator LANGLEY of Hancock.
Cosponsored by Representative KRUGER of Thomaston and Senators: FLOOD of Kennebec, GRATWICK of Penobscot, MILLETT of Cumberland, THOMAS of Somerset, WHITTEMORE of Somerset, Representative: WINSOR of Norway.

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

Sent down for concurrence.

Bill "An Act To Discourage Tenants from Damaging Rental Property"

S.P. 448 L.D. 1305

Presented by Senator JOHNSON of Lincoln.
Cosponsored by Representative LAJOIE of Lewiston and Senators: GERZOFKY of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland.

Bill "An Act To Enhance Voter Registration for Persons with Disabilities"

S.P. 449 L.D. 1306

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative LONGSTAFF of Waterville and Senator: JACKSON of Aroostook, Representatives: BEAULIEU of Auburn, BRIGGS of Mexico, FOWLE of Vassalboro, GILBERT of Jay, RUSSELL of Portland, SAUCIER of Presque Isle, SCHNECK of Bangor.

Bill "An Act To Strengthen the Maine Clean Election Act"

S.P. 452 L.D. 1309

Presented by Senator YOUNGBLOOD of Penobscot.
Cosponsored by Representative CAREY of Lewiston and Senators: President ALFOND of Cumberland, HILL of York, KATZ of Kennebec, LANGLEY of Hancock, SAVIELLO of Franklin, TUTTLE of York, Representatives: Speaker EVES of North Berwick, LUCHINI of Ellsworth.

Bill "An Act To Clarify the Law Regarding Advertising Signs outside Premises Licensed To Sell Alcohol"

S.P. 457 L.D. 1318

Presented by Senator TUTTLE of York.
Cosponsored by Representative LUCHINI of Ellsworth and Senator: PATRICK of Oxford.

On motion by Senator **TUTTLE** of York, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent down for concurrence.

**Pursuant to Statutes
Commission on Governmental Ethics and Election Practices**

Senator TUTTLE for the **Commission on Governmental Ethics and Election Practices**, pursuant to the Maine Revised Statutes, Title 1, section 1009 asked leave to report that the accompanying Bill "An Act To Amend Campaign Finance Laws"

S.P. 447 L.D. 1299

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **TUTTLE** of York, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Marshwood High School Wrestling Team, of South Berwick, on its winning the 2013 Class A State Championship. We extend our congratulations and best wishes to the members of the team on their achievement;

SLS 141

Sponsored by Senator HILL of York.
Cosponsored by Representatives: BEAVERS of South Berwick, Speaker EVES of North Berwick.

Brett Gerry, of South Berwick, a sophomore at Marshwood High School, who was named to the 2013 *Maine Sunday Telegram* All-State Wrestling Team. We extend our congratulations and best wishes to Brett on his receiving this honor;

SLS 142

Sponsored by Senator HILL of York.
Cosponsored by Representatives: BEAVERS of South Berwick, Speaker EVES of North Berwick.

Cody Hughes, of South Berwick, a sophomore at Marshwood High School, who was named to the 2013 *Maine Sunday Telegram* All-State Wrestling Team. We extend our congratulations and best wishes to Cody on his receiving this honor;

SLS 143

Sponsored by Senator HILL of York.
Cosponsored by Representatives: BEAVERS of South Berwick, Speaker EVES of North Berwick.

Matt Rix, of South Berwick, coach of the Class A State Championship Wrestling Team, who has been named the 2013 *Maine Sunday Telegram* All-State Wrestling Coach of the Year for the second year in a row. We extend our congratulations and best wishes to Coach Rix on his receiving this honor;

SLS 144

Sponsored by Senator HILL of York.
Cosponsored by Representatives: BEAVERS of South Berwick, Speaker EVES of North Berwick.

Tyler Davidson, of South Berwick, a student at Marshwood High School, who became the 16th Maine wrestler to win a championship in each of his high school years. He won his 4th title in the 120-pound weight category. Tyler was also named to the 2013 *Maine Sunday Telegram* All-State Wrestling Team. We extend our congratulations and best wishes to him on his accomplishments;

SLS 145

Sponsored by Senator HILL of York.
Cosponsored by Representatives: BEAVERS of South Berwick, Speaker EVES of North Berwick.

READ.

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

Senator **HILL:** Thank you Mr. President. I'm proud to be here today and to have the wrestling team from Marshwood High School joining us up in the balcony. I would like to congratulate the Marshwood High School Wrestling Team for winning a Class A State Championship. I would like to congratulate Tyler Davidson, Brett Gerry, and Cody Hughes for being named to the 2013 Maine Sunday Telegram All-State Wrestling Team. I would like to also congratulate Coach Matt Rix for, in the second year in a row, being named the 2013 Maine Sunday Telegram State Wrestling Coach of the Year. I want them to know that Marshwood High is proud, South Berwick is proud, this Senator and the Senate District 1 is proud, and surely the whole state of Maine is proud of each and every one of them on the team. Thank you, Mr. President.

On motion by Senator **HILL** of York, the Joint Orders were **PASSED.**

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the gallery of the Senate Chamber the Marshwood High School Wrestling Team. Would they please rise and accept the warm greetings of the Maine State Senate.

Joint Resolution

On motion by Senator **CRAVEN** of Androscoggin (Cosponsored by Representative **ROTUNDO** of Lewiston and Senators: **COLLINS** of York, **FLOOD** of Kennebec, **GOODALL** of Sagadahoc, **VALENTINO** of York, Representatives: **CAREY** of Lewiston, **LAJOIE** of Lewiston, **LIBBY** of Lewiston, **WERTS** of Auburn), the following Joint Resolution:

S.P. 433

**JOINT RESOLUTION
INVITING ALL PEOPLE FROM MAINE LIVING HERE AND
AWAY TO RECONNECT WITH THE STATE**

WHEREAS, the State of Maine is blessed with abundant natural beauty and is known throughout the world for its scenic seacoast, its beautiful mountains, its lakes and rivers and its millions of acres of woodlands; and

WHEREAS, Maine's population currently is at 1,320,000, the most people it has ever had since Maine became a state; and

WHEREAS, Maine is the 39th largest state in the Nation, and with its population and its size can still offer miles of wilderness and space for all to enjoy; and

WHEREAS, many people move to Maine for the natural beauty the State provides and for the healthy and high quality of life and for the peaceful and friendly towns, cities and countryside; and

WHEREAS, each area of Maine is rich in history and Maine is known for its seafaring legacy, its rural culture, its logging, agriculture, paper-making and lobstering industries, its fishing heritage and its famous tradition of serving as Vacationland to an international community for boating, camping, hunting, hiking, skiing and many other activities; and

WHEREAS, many people born and raised in Maine have had to leave the State, due to job opportunities or other reasons, and most people who have had to leave Maine always remember the State of Maine with happy memories and good feelings; and

WHEREAS, those who now live out of state continue to enjoy visits and connections with those who live in Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to invite all the Maine people who have moved out of state to return to Maine and enjoy what they have missed and to make the summer of 2014 a time to reconnect and rediscover the State of Maine; and be it further

RESOLVED: That We invite authors, actors, businesspersons, retirees, students and people serving in the Armed Forces who used to live in Maine to come back to Maine and celebrate their Maine heritage and to enjoy such experiences as the 2014 World Acadian Congress, the visits from tall ships, the North Atlantic Blues Festival in Rockland, the various state fairs and festivals, such as the Common Ground Fair, the Yarmouth Clam Festival, the American Folk Festival in Bangor and many other events that exemplify the good times that happen in the State; and be it further

RESOLVED: That We urge schools to reach out to alumni, families to have reunions and state and local governments to emphasize all the good that is in Maine and commit to getting all current and former residents of the State to reconnect with each other.

READ.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, this is a Joint Order declaring the summer of 2014 "Reconnect to Maine" year. I see it as an economic development opportunity and an opportunity to extend a personal invitation for everybody who has never been to Maine, who was ever born in Maine, who has ever thought of ever coming to Maine, or whoever might come to Maine to come in the year 2014. I got the idea actually from a scheme that is going on in Ireland to improve their economy. It's called "The Gathering". I got an invitation from an old schoolmate of mine, that's a long long time ago, and he invited me to come for a gathering in the village that I was brought up in. I wasn't going to go there at all, but after he invited me I decided I would go there. Within a few days of booking my airfare, 22 other people in my family, from Boston, New York, and Chicago, decided that they wanted to go to at the same time. By now we have over 50 people in just my family who are gathering for a school reunion and other activities in the community. I know that this could work in Maine as well. I have talked to EDC and I've talked to Senator Collins, my good friend who is going to be really carrying this forward down to the Southern part of the state, and have talked to the Tourism Association and see this going wild in the state of Maine. We need to invite people personally to come. We need to invite them publically. For example, something as small as the Bicycle Coalition of Maine tweeting all their Bicycle Coalitions in Massachusetts and wherever, New Hampshire, to come and do the Trek Across Maine with them. This is my vision of everybody inviting somebody to come to Maine this year. You are going to hear a lot more about this because we are going to be doing publicity around it and hope that you will join me in making sure that Maine is highlighted. We certainly have all of the infrastructure in place and we have the capacity to invite thousands and thousands of people to come to our balloon festivals and our music festivals and our tall ship festivals and to arrange family reunions and school reunions around those awesome events. Thank you very much. Come and talk to me if you want to hear any other exciting ideas that I have about this initiative. Thank you, Mr. President.

On motion by Senator **CRAVEN** of Androscoggin, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Barbara T. Whittaker, of Sanford, longtime librarian in the area. Mrs. Whittaker was born in Kennebunk and graduated from Sanford High School, class of 1942. She received her certification from the Maine State Library and took many courses throughout the years. She married John Whittaker in 1943. In 1952, Mrs. Whittaker began her library career as a substitute clerk at the Louis B. Goodall Memorial Library. She served for many years at the Carpentier Branch Library, and in 1979 she became children's librarian at Goodall. She was a faithful member of Crossroads United Methodist Church, where she taught Sunday school for many years. She will be greatly missed and long remembered by her loving family and friends;

SLS 154

Sponsored by Senator TUTTLE of York.
Cosponsored by Representatives: BOLAND of Sanford,
MASTRACCIO of Sanford, NOON of Sanford.

READ.

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

Senator **TUTTLE:** Thank you Mr. President. Men and women of the Senate, it is an honor for me to speak about a woman that had helped me in my life. She was a librarian at Louis B. Goodall Memorial Library for a number of years and encouraged me, at a young age, to get interested in reading. She encouraged me to enter a reading contest, which I won, which, at the time, was something I really wasn't that interested in. She encouraged me to learn to be a lifelong reader. When she did pass away I did call her sons and told them what an impact she had made upon my life and she made an impact on many young men and women in the Sanford area. I had to say that Barbara Whittaker was a wonderful person, a mother, and she really made a difference in my life. Thank you, Mr. President.

On motion by Senator **TUTTLE** of York, the Joint Resolution was **ADOPTED.**

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Eliminate Certain Data Collection Requirements of the Forest Health and Monitoring Program of the Division of Forestry"

H.P. 307 L.D. 457

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Representation on the Telecommunications Relay Services Advisory Council"
H.P. 213 L.D. 304

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Concerning the Use of Tobacco Settlement Funds for Children's Health Care"
H.P. 140 L.D. 180

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-10).**

Signed:

Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
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:

GATTINE of Westbrook
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.**)

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-10).**

Reports **READ.**

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

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 Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I just wanted to say a few words before people voted. This bill amends the law for the Fund for a Healthy Maine to require that funding children's health care not be reduced in order to address a budget deficit. Balancing the budget on the backs of children, I think, is wrong. This bill would prevent that. It's also very important to keep the tobacco settlement dollars invested in the prevention of tobacco use and to keep the integrity of the Fund for a Healthy Maine intact. According to the American Cancer Society, this year an estimated 9,190 Mainers will be diagnosed with cancer and 3,240 Mainers will die from this devastating disease. One in two men and one in three women will be diagnosed with cancer at some point in their lifetime. It is the number one killer in Maine. Much of the suffering and death from cancer could be prevented by more systematic efforts to reduce tobacco use, improving diet and physical activity, reducing obesity, and to expand the use of established cancer screening tests. In fact, more than half of all cancer deaths could be avoided by applying what we already know in terms of proven prevention and early detection strategies. More specifically, tobacco use accounts for at least 30% of all cancer deaths and 87% of lung cancer deaths while one-third of all cancer deaths this year can be attributed to poor diet. To set up a fund to prevent youngsters and young people from using tobacco, to me, you can't have a better investment. I thank you very much and I will ask you to follow my light.

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 (#23)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-10) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Adjust Maine's Minimum Wage Annually Based on Cost-of-living Changes"

H.P. 430 L.D. 611

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-16).**

Signed:

Senators:
PATRICK of Oxford
CLEVELAND of Androscoggin

Representatives:
HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford

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

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden

LOCKMAN of Amherst

VOLK of Scarborough

WINCHENBACH of Waldoboro

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-16)**.

Reports **READ**.

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

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 Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, this bill before us today I probably would think of it as should have been named "The Timing Bill" because I'm sure throughout the debate we will hear that it's poor timing, it's bad timing, it's the wrong time, or it's the right time. In Maine we value hard work. L.D. 611 says to the people of our state that if you are willing to work hard you will be able to provide for yourselves and your families. We always talk about jobs, jobs, jobs, but it is time we started talking about jobs that pay a livable wage. This bill takes us a step in the right direction by helping to insure that every Mainer that puts in a hard day's work will get an honest day's pay in return. If we want to bring our economy out of recession we need to insure that working people are compensated fairly for their labor. Everyone who works in Maine should be able to put dinner on the table at the end of the day and pay their bills. It has been four years since Maine has last raised its minimum wage. When the cost of basic necessities like milk, bread, and gas rise over time, it stands to reason that minimum wage should go up as well. The increasing cost of food, childcare, medical bills, transportation, and housing far exceed what the wages from a current full-time minimum wage paycheck of \$7.50 an hour can buy. The minimum wage law was established to help reduce poverty. Failing to index it to inflation arbitrarily reduces the effectiveness of the law as the value of the dollar declines. For those at the bottom of the economy, we need to stand up for working people of Maine by linking minimum wage to the price of everyday expenses. This issue has a disproportionate effect on women who make up 61% of full-time minimum wage workers.

When the minimum wage is unfairly low this Body is legislating the impoverishment of Maine's women. According to the Maine Children's Alliance Kids Count, nearly one in four Maine children under the age of five is living in poverty. By letting

the value of low wages decline, we are making life even harder for Maine families and reducing the chances that they will ever be able to climb out of poverty. L.D. 611 will not only benefit tens of thousands of working families, it will also benefit our entire economy. This bill puts money back in the pockets of Maine workers who need it and will spend it in short order. Those extra dollars will help put our economy back on track when minimum wage earners buy the basic goods and services they need. One study found that for every dollar increase in the minimum wage the household spent an additional \$2,800 the next year. When people have more buying power Maine's businesses will benefit and will be able to hire more workers. Low wages compound over a lifetime, making older citizens more reliant on social services.

Maine people don't want handouts, they want jobs with dignity that pay a decent wage. We owe it to our working poor to pass this important bill. This bill is a step in the right direction. While this bill will not make Maine's minimum wage a truly living wage, it is a step in the right direction. The minimum wage stands at \$7.50 an hour right now and has remained at that level since 2009. The bill will raise it 50¢ July 1, 2014, another 50¢ July 1, 2015, another 50¢ July 1, 2016, and then on July 1, 2017 will index it for inflation. Working people should not live in poverty. I just think to myself that poverty in America, in this day and age, is just shameful. I think we have an awful lot of slogans, but one slogan that we should always hear in this Body is, "People before poverty". How do people get out of poverty? It's by offering them a job that pays a wage that can sustain the necessities of life. I'm a very proud paper maker who works in a paper mill who makes 4.4 times more than minimum wage. I cannot, for the life of me, imagine going to the store Saturday, after I've gotten my check on Thursday, wondering if I can buy a loaf of bread and a gallon of milk for my kids so they don't go hungry. I haven't faced that ever in my life. Going door to door in rural areas throughout the state of Maine, 25 miles off the Interstate and 25 miles off the major highways, what do we see? We see a lot of people that hurting bad.

People are living in poverty and they don't even know it. I'm 59, and some of you are older than I am. I grew up and I didn't even know I was poor because everybody was poor. Back in the 1950's and early 1960's if I got a Devil Dog and a can of Staff soda, which was probably about the worst you could get in life, I thought it was a big deal that my father was bringing that to us. It was really nothing, but it was awful good. We're looking at people in this day and age, in the year 2013, that are still living in poverty, still trying to work for \$7.50 an hour. A livable wage job, which I think the last Legislature took the amount out of, is probably about \$14 or \$15 an hour. How can people do that? An honest day's work for an honest day's pay. I love that saying, but I don't think it really reflects what happens at the bottom rung of the ladder. We should reward work. We should insure that an honest day's work is rewarded with an honest day's paycheck. People don't want a handout. They want jobs with dignity that pay a decent wage. It would be so nice to have the unemployment rate at next to zero.

Others will say that it is the worst thing to do, to index the minimum wage. They did that in Vermont. I think it was in 2006. They are now paying, I think, \$8.66 an hour for minimum wage and it has been indexed. They found they could actually do this. It's not that complicated. We would probably shudder to think, "Oh, my goodness, we can't do that." Ladies and gentlemen, I will give a few other people a chance on both sides to get up and

I'm sure I may get up again. This is an important bill. An anti-poverty bill. This is the right thing to do and I ask your support on the Ought to Pass Report. 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, today I address you on an issue that offers you a chance to help Maine's people and its economy by sending the message that we truly value our workers and their efforts and that we see the partnership that exists between labor and business as an important trust. I'm referring to the bill before us to index the minimum wage. I urge you to consider the implications of making Maine, through this bill, the second highest minimum wage state in the nation. For the cost of employing labor, you lay at the feet of Maine small businesses a fairly great challenge when they look at bringing new workers into the workplace. Let's look at some of the facts as they were presented to us during testimony. According to the economists from the NFIB, William Dunkelberg, in a summary that we received from Forbes Magazine, the total increase in the minimum wage results in less than 15% of those wages going to people below the poverty line. If this is really about helping those below the poverty line than let's be honest. This is not getting us where we need to go. According to the U.S. Census Bureau, only 16.5% of those earning the minimum wage are households raising families. The remaining 83.5% are young people starting out, dual wage earner households with the average family income in 2009 at \$48,000, or teenagers living with their working parents who are starting to learn the ropes and establishing themselves as producers and wage earners. I ask you to consider the message we send to small businesses in Maine, which are the backbone of our state's workforce, the ones who seek to employ our friends and neighbors. In this economy is this the right message? In this economy is this the right way to provide opportunities or is it once again slamming the door for those seeking to find work and for those willing to add employees while, like many of us, struggling with the economy and keeping their businesses afloat? I respectfully urge you to vote no on this measure and thank you for your consideration.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I rise in support of the Majority Report on L.D. 611, "An Act to Adjust Maine's Minimum Wage Annually Based on Cost of Living Changes". Just two weeks ago the National Women's Law Center released a report on the connection between achieving fair pay for women and raising the minimum wage. Increasing the minimum wage and tipped minimum wage are key steps towards fair pay for women. Nationally women represent nearly two-thirds of minimum wage workers and nearly two-thirds of workers in tipped occupations. A woman working full-time year-round at minimum wage earns less than about \$15,000 a year. That's nearly \$4,000 below the poverty line for a family of three. Most women making minimum wage do not have a spouse's income to rely on. Raising the minimum wage is about working mothers. We don't have to look nationally. We can look right here in Maine at research and data done on our state and our workforce to make a similar case. According to the recently released

Measures of Growth Report released by the Maine Economic Growth Council and the Maine Development Foundation, they cite per capita personal and state that higher incomes can reduce tax burdens, enable consumers to spend and save more money, make necessities more affordable, giving Mainers more disposable income and enabling us to enjoy a higher quality of life. They also report that per capita income is critical when it comes to assessing our economic prosperity and productivity of our overall economy. When it comes to employment, Maine remains flat. Numbers, they say, only tell a part of the story. Job quality is another issue and Maine's average annual wage trails both New England and national averages.

Let's get back to women because in Maine women continue to earn less than men, but not just here but across the country. The gender income disparity, which is the wage gap between women's earning and men's earnings, has changed very little in Maine over the past decade. The rate of change in the earnings gap has slowed over the previous two decades. For example, in 1990 women earned 66.9% compared to men. Ten years later, in 2000, it increased to 74.9% compared to men. Where are we today? Thirteen years later, not even 4% higher, only at 78.2% according to the Measures of Growth Report. In 2011 working women, full-time and full year earners in Maine, earned only 78¢ for every dollar earned by a man. The earnings gap impacts women's choices on where to live and the opportunities they can offer their children, the report says. Women are also more likely than men to be single heads of households, effecting poverty among children. The pay gap also contributes to higher poverty rates among elderly women who generally live longer than men. Well overall women earn 78¢ on every dollar compared to men in Maine, the picture is actually much weaker in certain industries. For example, according to the report, in accommodations and food services in Maine women make up about 60% of that workforce. While men are making around \$16,000 every year, women are making just under \$12,000. Women are paid only 75¢ for every dollar than men in that industry. In other service industries, excluding public administration, women earn only 55.3%, or 55¢, for every dollar compared to men. These are low wage jobs. These are minimum wage jobs. Raising the minimum wage is not a miracle cure for anything, but raising the minimum wage is an important tool in the toolbox when it comes to raising the standard of wage earning for women in our state. Today we have the opportunity to take advantage of using that tool in order to reach what I believe is a shared goal of people in Maine of achieving equal play for equal work in our state. Mr. President, I hope you and the other members of the Senate join me in supporting this measure today.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is an important issue and it's nice to start off the debate on this issue that everyone thinks is so important to the state of Maine. This morning, in somewhat anticipation of having this debate today, I had a gentleman that I don't really know well, but he's a Facebook friend of mine, send me an article off the Portland Press Herald. It's an article about food insecurity in Maine by county. It really is kind of startling to me that this data comes from 2010. In 2002 the Federal government had the state of Maine at 9% of the people who were concerned about food insecurity. Now in 2010, that has risen 6%,

up to almost 15% of food insecurity. If you look at it, like I said that it's in yesterday's paper so you can go and pull it up yourself, there are some counties, Piscataquis, Somerset, and Washington Counties, that are almost 19%. Luckily we have the Southern counties that are in the lower ranges so that kind of brings the average around to 15%. It's really quite shocking that there are that many people in this state that actually worry about where they are going to get their food for themselves and their kids. It's concerning. When I looked at it this morning I thought about it. I could think about when I was a kid, such as Senator Patrick had talked about, in my area of the state I can remember people going on Saturdays and getting relief food. It seemed like everyone in town stopped because it was such a big problem back in that time. I know that for my father, I'm sure probably all of us look at our fathers and think there is no one better and no one has ever done anything, I know that my father was a hard worker and he still is today. He's someone that I always look up to and I know that as far as work ethic I'll never match him in that regard. That being said, because of the way the economy was, because of the way the area was, it still was hard for him to make ends meet during that time. I see that now, just like I remember living it back then. People go to the soup kitchens to pick up some extra food. Even though this map doesn't show Southern Maine as being hit as hard, I know that the Preble Street Soup Kitchen is at times serving 500 people a night. In my area the soup kitchen is behind. I think that's because there is such a stigma for people that are hardworking, that just can't make it on what they are getting, that want to go back and not have anyone see them pick up anything, see them pick up that handout. I think that's the way that people in the state of Maine actually are. I think they don't want handouts and their pride usually doesn't want them to do that. The fact is that when you've got kids at home or a sick wife or anything like that, you've got to do what you've got to do. It's unfortunate for anyone to be in that position.

We started in this Body early on a Joint Select Committee on Workforce Development to look at the skills gap in Maine. I also think that as much as we have a skills gap, we have a pay gap in this state. I would say that our wages are probably one of the lowest in the country and I don't have all the data and stuff that other people have talked about. I do believe that we have low wages and one of the earlier comments was that this raise for minimum wage will only go 16.5% of people with families. I got to tell you, for those 16.5% I'll bet you that means a lot to them. I'm willing to give a raise for at least that 16.5% because I know those people, I represent them. Quite honestly, I was probably one of them at one time. I just wanted to also say that where I am, I'm in a rural area and I look at this map, Aroostook County is not as bad as the three I mentioned earlier, but it's right at a close second. An hour at minimum wage won't buy you two gallons of gas, but it takes you four to go to work. I think that's a problem. I understand how hard it is for anyone to get up and have to go to work knowing that they are falling behind every day. That's something that we have to address. We live in a society that you have to have people work for low wages for there to be higher wage people. That's just a simple fact in a capitalistic society. You also need to put money in people's pockets for there to be higher wage earners. If we don't have money going into people's pockets this capitalistic society just doesn't work.

Getting back to the percentage, even the 83.5% that are maybe only teenagers or college students, I think we need to do that for them. We need to do it for single parents who just don't have enough hours to cover the bills that keep piling up. The

students who have graduated and don't have a job can't pay back their student loans. I think that hard workers are worth more than the great virtues of sweat and dignity. The value of bread and milk have changed, shouldn't the value of people's time change also? We hear a lot in this state about how Mainers need to get up off the couch. I've got to tell you that some people probably can't even afford a couch, even the ones that are at Marden's. I want you to know that it's important for people in this state because they say that a rising tide rises all ships and I think that raising the minimum wage for people that truly do deserve it, that work hard and have done nothing wrong but get up and go to work every day and try to make the best of it, I think this is going to do something to help them. It puts us on a path of having some of these poverty stricken people at least have a fair chance. I just want you to know I hope you all support it.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, every Friday I sign two paychecks and there is nothing more I would like to do than those employees a raise. It's not there. I have never struggled in my life, and I've been in business since the early 1970's, but I've never struggled in my life like I have this year to keep the bills paid. Diesel fuel is at \$4.50 a gallon in some places and the price of everything that you do staying the same. I understand the employee's plight because employers are in the same position. If we don't have employers there will be no employees. A lot of businesses in the state of Maine, if they are forced to give their employees a raise, are not going to be here. I'm serious. I have lots of friends who employee people. They are right on the edge. Always in the past these small businesses that employee Maine people if times got tough they just got going. You just worked harder. You got up earlier. You worked harder. You worked later. They can't any more. They are getting up as early as they can. They are working as hard as they can. There is no more room. If you bring up the bottom, you're going to bring a lot of those that are above the bottom up with them. When those businesses are out of business there will be jobs for those people. Then what? There are more businesses than you know. Talk to the small businesses in your district and see what they tell you. They will tell you they can't afford to pay any more and if they could they would. Thank you.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I, too, rise today to oppose this legislation. Legislators often view raising the minimum wage as the best vehicle to help the working poor, but really are wrong to do so. People who lack the capacity to earn a decent living need to be helped, but they will not be helped by minimum wage laws. This is according to Nobel Prize winning economist James Tobin. In front of the U.S. House of Representatives Financial Services Committee Alan Greenspan testified, "The reason I object to minimum wage is that it destroys jobs and the evidence of this is overwhelming."

What are the effects of minimum wage hikes? The chief effect of a higher minimum wage today would be the increased incomes not for the working poor but for a group of workers who

are predominantly part-time or second earners of middle class families. This is quoted in the Washington Business Journal. In a case study in the state of New York after the 2007 minimum wage hike from \$7.15 to \$8.25, it resulted in an estimated 16,000 jobs lost. Beyond the loss of jobs, other unintended consequences are equally damaging to the working poor. Nobel Prize winning economist Milton Freedman said, "The high rate of unemployment among teenagers is both a scandal and a serious source of social unrest. It is largely because of the result of minimum wage laws." A study from Duke found that minimum wage increases attract teenagers from high income families into the labor market, displacing previously employed low skilled employees. I see this in my own operation. I see raising the minimum wage as really stealing a raise from my skilled workers in order to keep them employed and keep them coming back year after year. While I have seen flat sales in four years, I have increased my skilled workers' pay because I understand how it affects their bottom line.

Labor costs are a major expense in my industry. Most minimum wage employees come in with no skills and have to be supervised closely and make many mistakes. Very often it is the first job, first entry into the workforce, that garners the minimum wage. When the minimum wage is increased, combined with a stagnant economy and slumping sales, my skilled workers lose out. There is just no room to reward the skilled employee if all the money for pay raises is dictated arbitrarily by minimum wage increases. To off-set rising labor costs I have no choice but to raise menu prices. When that happens my servicers, who are technically minimum wage employees, get an automatic pay raise. It's a vicious cycle. Please realize that as soon as my minimum wage employees become skilled they are no longer minimum wage employees. I use incremental increases to reward good work and to motivate. Very often I start employees above minimum wage because of their experience. Raising the minimum wage takes that tool away from me. I'm a Bureau of Labor statistics reporter each month. When I calculate out my wages, they average \$17.00 per hour throughout my whole business. I dare to state that anyone in this room who started out making minimum wage, and I am one of those, no longer does so. If you do, please raise your hand. Please don't count our legislative salary. For example, my sous chef started out making minimum wage as a dishwasher and now makes over \$20 an hour. There is a definite pathway from entry level wages to skilled wages. It's a pipeline. It's not a dead end.

Men and women of the Senate, if these arguments were not strong enough to oppose this legislation let's now layer on top the Affordable Healthcare Act and the potential for employers to be assessed a penalty that is \$2,000 annually times the number of full-time employees minus 30. This is taken right out of the legislation. Many of our businesses are wondering how to absorb those costs and stay in business. The penalties increase each year by the growth in insurance premiums. There is incredible uncertainty in the business community, to say the least. The idea of using minimum wage to overcome poverty is old and honorable, but fundamentally flawed. Add the uncertainty of the Affordable Healthcare Act and you now have enough reason to vote in opposition. Thank you for your time, Mr. President and men and women of the Senate.

The President requested the Sergeant-At-Arms escort the Senator from Aroostook, Senator **JACKSON** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **TROY D. JACKSON** of Aroostook County.

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

Senator **KATZ:** Thank you Mr. President Pro Tem. Men and women of the Senate, I would like to vote for this bill. Friends on the other side of the aisle have pointed out all sorts of reasons why it does good. Certainly putting more money into people's pockets is a good thing, but, as others have pointed out, we need to consider the consequences, even the unintended consequences, of what we do. We all want to do whatever we can to help improve the standard of living for all Maine citizens, particularly those at the lower end of the pay scale. If you think about it, that is probably the reason we are all here. The fear, Mr. President, is that if we pass this legislation we will actually cause the opposite result and there couldn't be a worse time. If this were a discussion about whether the minimum wage ought to be raised at the federal level I might actually a different view. We don't do this in a vacuum. What a bad signal I think we would send, Mr. President, if the first major bill we pass this session actually makes us less competitive with our neighboring states and hurts our ability to attract the new capital investment we need to create jobs here. It seems to me we should be focusing like a laser on how we can help bring down the high cost of doing business in Maine this session through energy, health care, tax policy, and to do something which increases that cost as our very first step, this just seems to be wrong and will stifle opportunities for the very people we are trying to help. Why would we actually deliberately do something to raise the cost of doing business? If our goal is to reduce unemployment to zero, and I (due to technical difficulties, some of Senator Katz's remarks were regrettably not recorded.). I have two businesses in my district who have communicated with me about this bill, among several others. One has said they have run the numbers and they will four entry level young people laid off if this bill passes. Another one told me it was five. They can't increase their cost of doing business. They can't increase their labor costs in the middle of a recession. The only alternative that they have is to try to do the same amount of work with fewer people. That's what will happen. That is not what anybody who supports this bill intends, but that is what will happen. I think it's something that the 124th Legislature understood and something that the 125th Legislature understood when, in the beginning and in the middle of a recession, they understood that it was the wrong time to be increasing Maine's minimum wage. Again, we want to reduce the number of people who are showing up in the soup kitchens at Preble Street and in Augusta and in Bangor, and I think, unintentionally, Mr. President, we will actually increase attendance at those food conditions. Again, I suggest the debate for whether the minimum wage ought to increase or not really should take place at the federal level and not by passing a change here in Maine that will make us an outlier. The 4th or the 3rd or the 2nd highest minimum wage in the

country by the time we're done. Further this will hurt our ability to get where we all want to go, which is a state with good paying jobs with opportunity for advancement. A spokesman from the Department of Labor testified at the committee hearing, I think this well sums it up. The Department is worried about unemployed and underemployed Mainers finding work if labor becomes even more expensive, particularly for our small business owners. The unintended consequence of this legislation could actually stifle opportunities for the very people that a higher minimum wage is meant to help; the young, women, and entry level employees in particular. I urge a no vote, Mr. President, with respect to this report. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Lachowicz.

Senator **LACHOWICZ:** Thank you Mr. President Pro Tem. Ladies and gentlemen of the Senate, many colleagues here shared lots of information. I just have a few things to add to this. Some of you, a few weeks ago, may have partaken in some local baked goods I brought to the State House. Those were provided by a local businessperson. She brought me my lunch. One of the things she does is she pays people above minimum wage. Do you know why? Because she gets people as passionately supportive of her business as she is herself. They are wildly passionate about making her successful. In fact, the way she goes about her business is something that has been recognized locally with awards and things like that. She gets people who make a livable wage, who can support their families, and she's successful at what she does. I think we have to recognize is that you can pay people something that helps them support their families and be successful at the same time. In fact, you can be given awards for it and other people can look to you for guidance on how to make their business as successful. The other thing I wanted to say is that last week I took a call from a constituent about another issue entirely. She's a working mom. Her husband can't get a full-time job. He's working about 30 hours a week. She has worked about 20 hours a week at times for minimum wage. I asked her what she thought about this, because I knew this would be coming up. She said, "For gosh sakes, yes. I can't pay for childcare. I can't support our family." Their family is experiencing kind of the ravages of this recession. Her husband can't get a full-time job. She's had to work as well. She would appreciate it, as I think many working families would, if we did something that allowed them to be able to pay the bills, to be able to get that bread and milk, and to be able to pay for childcare. I will be thinking of her today. Thank you very much.

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

Senator **ALFOND:** Thank you Mr. President Pro Tem. Ladies and gentlemen of the Senate, as some of you know, I own a small business in Portland. It's a bowling alley. It's a restaurant and bar. We have 20 people on our staff and they are simply incredible. Waitresses, bar tenders, cooks, and a few mechanics. Most are young. Most don't have college degrees and they work their hearts out. Most of these jobs, on paper, should be minimum wage, but they are not. You know why they are not? Because the employer had a choice. The employer had a choice to pay minimum wage or pay higher. We also had a choice to offer health care or higher. We chose the alternatives. Why did

we make this choice? Because now, similar to what we heard from the Senator from Kennebec, we have employees that want to be at our bowling alley. We have employees that haven't left us. Most importantly, we are paying employees at a rate that they can stay with us and maybe pay for their families and pay for things outside of the basic necessities.

We all have heard, as small businesses here in the state of Maine, costs are increasing. We've talked about health insurance, utilities, Workers' Compensation, and more. You know what? This 126th Legislature has to deal with these rising costs too. It doesn't have to be an either or. What does this mean to the working poor in the state of Maine, the 14,000 people who are the working poor? It means 50¢ in 2014. At 40 hours a week that comes to an additional \$20; \$20 into the pockets of the working poor. That's a box of diapers. That's a co-pay to a doctor's visit, if you have health insurance. It's a box of laundry detergent to clean your clothes. At first glance \$20 might not seem like a lot, but it makes a huge difference to the 14,000 Mainers who are the working poor.

Choices, we hear a lot about choices. Some say if you don't like how much you get paid aspire to do other work. Well folks, that's simply out of touch. You know who has choices? Employers. Employers across the state have choices. The choices that workers have are to wake up every day, spend 40 hours at work, and get paid \$300 a week. They work hard regardless of what they are getting paid and that pay does not get them out of poverty. I wish we would be debating not how little we can pay our workers but instead figuring out how we can raise the boat for all workers in the state of Maine, including those who employ them. We have a chance today to stand up for working people because we're not just talking about the 14,000 people that right now are earning minimum wage, but there are 60,000 people that earn \$9 or less. That's 60,000 Mainers that we can do the right thing today for. I don't think there is any disagreement in this Chamber that if you put in a full week of work, 40 hours in a week, then you should be able to pay your bills and basic necessities. I believe we have the opportunity to reject the idea that supporting Maine's working poor is a partisan bill or a bad idea. We can reject the notion that supporting the minimum wage is bad for business. Colleagues, every single day I look at my balance sheet in my bowling alley and I know that's not true. Today all of Maine is watching our Senate Chamber and they are seeing if we are going to do the right thing for workers and employers. Let's show them that we can and will and we can do it together. Thank you, Mr. President Pro Tem.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **ALFOND** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Aroostook, Senator **JACKSON** to his seat on the floor.

Senate called to order by the President.

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

Senator **THIBODEAU**: Thank you Mr. President. Ladies and gentlemen of the Senate, we are all here today because each one of us would like to do something to improve our economy here in Maine. We want a robust economy where great paying jobs are not difficult to find but rather the norm. An economy where we see help wanted signs in every place of business. We want Maine's economy to be the envy of all of our neighbors, both near and far. Today we all recognize that isn't what we see across our great state. Families are working hard to make it from one paycheck to the next. Businesses have closed, laying off workers, and far too many of our young people have had to leave our state to find employment elsewhere. Quite frankly, including members of my own family. I have a little girl that lives in Groton, Connecticut. Nothing wrong with Groton, but it isn't where dad wants her to live. Today many of us see this vote as an opportunity to say to that young person behind the checkout counter at our local convenience store, "You needed a raise and I was there for you." Ladies and gentlemen of the Senate, another government mandate is not going to fix Maine's economy.

Do we all remember the science class where we were told that for every action there is an equal and opposite reaction? I want to tell you about my friend who owned a McDonald's franchise. He and his wife had made a decision to innovate at their business because of the last minimum wage increase. McDonald's, the franchise, had come out with new technology with a new grill that would cook their hamburgers much faster and apparently on both sides. Don't ask me how. My friend and his wife made the decision that they put it into their business plan and they were going to invest in one of these new grills. It was in their three year business plan. Because of the last minimum wage increase, it wasn't three years later that we found a new grill in Belfast, it was three months later. As a result, we had one less young person working there at the McDonald's. Labor is a major cost to all businesses, even McDonald's. There are very few exceptions. Another example of innovation where they reduced labor costs was a decision that we're all familiar with. When we go to our fast food restaurants we no longer have that young gal that brings us our drink. We are handed a cup and we go get our own. That isn't because they wanted us to have more soda pop. It's because they wanted to reduce labor costs. We're seeing that throughout our economy. Each of these decisions was driven by the cost of labor. Each decision eliminated one entry level minimum wage job.

It's great that McDonald's is able to innovate and reduce these costs and stay profitable, but what about that small family take-out that's just a couple of miles down the street. I know each and every one of us has one of them in our district. Would they have the same access to capital to make these investments as the larger corporations? You see, last season there was a small take-out in my district that was open from June through September. If you talk to the owner, they made a profit of about \$10,000. Now they face even more and ever increasing costs as they operate. With our vote today will we erode that \$10,000 worth of profit to the point where they will decide not to reopen this spring? Will the elderly lady paying a high school student to clean her yard be able to afford just a little bit more on her fixed income? While we are unsure this increase will result in the loss of 5, 50, or 5,000 jobs, make no mistake that we will lose jobs and we cannot afford to lose a single job in this state. There is little doubt this will affect many of our Mom and Pop businesses that are already operating on incredibly small margins and lack access to capital to make the investments that larger corporations may

have. Ladies and gentlemen, our economy cannot afford to lose these entry level jobs. During these challenging economic times we need to focus on attracting and filling skilled jobs with good pay. I ask you to set aside this attempt to pass another government cost increase and let's work together on policies that will help improve our economy. I urge my colleagues to vote against the pending motion. 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 rise today to defend this legislation. I well imagine many of you expect it. A race to the bottom is nothing I want to participate in. A race to the bottom is easy to attain. A race to the top is a challenge worth taking. I've gotten up on this floor over the years, and in the other Body, and I like to talk about a little history because we can't know where we are, we certainly can't know where we're going, if we don't know where we've been. Some people like to call this the Great Recession. Well it's been hung there. I've seen an awful lot of people suffer. I've seen a lot of people suffer up here by some of the actions we've taken in the name of this Great Recession. There is a thing called the Great Recession, before that there was the thing called the Great Depression. If you want to be honest, if it wasn't for Social Security and unemployment right now we'd be in a Great Depression. Because of those two safety net items we are keeping money in the economy. It's keeping things afloat. Back in those days, in the early 1930's, I had a young mom who worked in the bakery. She was paid \$1 a day for 12 hours. She would come home at night to her family; my mom and pop and my brothers and sisters. They were all trying to work at making ends meet. She'd have nice burns all over her arms because she was pulling heavy hot trays out of the bakery shelves. The next morning she went to work and she heard over the radio that her President, Franklin Roosevelt, and his first Labor Secretary, Frances Perkins, had just got through the House and Senate a minimum wage. It was the first one we had. It was 25¢ an hour and it was done during the worst depression in the country's history, at a time when I'm sure the same arguments rang through the halls of state capitols and the national capitol today. "You can't do this. It's going to put us all out of business. It's going to be hard." My mom walked home that night and instead of having her \$1 for the day she had 25¢ an hour. Instead of having a 12 hour work day she had an 8 hour work day. She got \$2. She had \$2 to help with the family bills. She had \$2 to help with putting more money in the economy that we keep on talking about. You put more spendable income out there and more companies will benefit by it. My mom could now buy some of the bakery goods that she, the day before, slaved over to make for other people. That is some of the history.

My first job, I hate to say it was in 1956, was for \$1.50 an hour. President Eisenhower had just raised minimum wage then up to \$1. From 1933 to 1955 we got a little bit of an increase in minimum wage, about 75¢ an hour. That's a pretty good increase. I had to work for it. I never thought I was only worth minimum at anything nor did anybody that ever worked for one of my companies. I had my small companies that were very successful, that allow me to be here today, and nobody ever worked for me for minimum wage because I never hired anybody that I would look in the eye and say, "You are only worth the minimum of anything." I think men and women in the state of

Maine are worth more than whatever we want to call a minimum wage. They work harder than that. They deserve more than that. The companies in Maine are proud to pay more than that. We've been working very hard in my Senate District to try to recreate jobs and businesses because the United States saw fit to take 6,500 sailors down to Jacksonville, Florida. We've had to try, during this recession, to create businesses and to create jobs. The biggest hit on that base closure was on the State of Maine and our taxes here at the State House and our budget because the sales taxes and payroll taxes came up here and they are not here anymore. We've been working and working and working. We've been bringing in businesses from overseas. We've been bringing in businesses from around the country. It's not because we're giving them great tax giveaways and it's not because we're showering money on them. This Legislature had seen fit to give some tools so that we could pull in some of these great institutions. Not one of them is paying minimum wage or anything even close to minimum wage. Even for the entry level person coming in to sweep the floors is making better than minimum wage. They should because we should be creating better jobs, not lower paying jobs, in this state. Mr. President, when I go down and see these companies open, and I go in for their grand opening, I talk to the workers. One of them last summer got to introduce the President of the United States at an event at SMCC in South Portland. His introduction was, "I was so proud that I could come home to Maine. I had to leave to get a job, but I came home. My family is here. This is where I was raised and this is where I can now work and get paid a good honest living."

Here in Maine we should be creating good paying jobs and we are creating good paying jobs. We shouldn't be having a race to the bottom and creating minimum wage jobs. Never should this Body not vote to increase minimum wage. This Body should have voted to increase minimum wage years ago. I know I voted for it. This Body should vote for it. That's what we should be supporting. I'm very sorry when I hear from some of my colleagues that it's going to be doom and gloom if we do this, that if we try to make other people's lives better it's going to be doom and gloom. I'm sorry. I don't buy it and I don't think the people of Maine buy it. That's why we're going to fight for a minimum wage increase. We're going to fight to get that indexed because it's the right thing to do. It's going around the country being the right thing to do and Vermont isn't that far behind us. They have already done it. We can do it. Thank you very much for your time, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm so very glad to get up after the Senator from Cumberland, Senator Gerzofsky. One of the things I wanted to just respond to was the comments about the 124th and 125th Legislatures. I was chairman of Labor in the 124th Legislature and my good friend, Senator Gerzofsky, was the second Senator on that committee with me. As it was said, the economy in this state was in an awful spot. I would say more because of greed on Wall Street. For whatever reason, those people were not getting minimum wage and they seemed to have created an awful recession or depression or whatever you want to call it. We had the minimum wage bill in front of us in the Labor Committee, as we had had before. Senator Gerzofsky was as passionate then as he is today about passing it. We argued and

conferred about that. We had record unemployment in the state. We actually had to hire people to process all the unemployment claims. I didn't support minimum wage at that time while my good friend did. The thing about it is that since that time, and all the arguments that were made here, I have continued to see equipment costs go up. See what it costs for a lawnmower or tractor or excavator or forest product equipment, it has all risen since 2008. Heating oil, firewood, gas, bread, milk, or anything you can think of is raised during that period when we couldn't do anything to help the economy in the state of Maine. Prices kept rising. For a lot of these people that American dream is just getting out of reach for the people in the state of Maine. I say to the people in this Senate that it's time to stop using the workers in this state as a talking point and start using them and making them the focal point.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleague and friends, I guess I really don't enjoy following the past two speakers because I really don't have a lot more to add otherwise. One little bit of history trivia. There was a revolution in 1914. An industrial revolution, basically, that was caused by one great entrepreneur called Henry Ford. Henry Ford, in 1914, started an industrial revolution by more than doubling wages to \$5 a day, a move that helped build the United States' middle class and the modern economy. In 1914 Henry Ford had the wherewithal to think, "Who's going to buy my automobiles?" I'm going to say; who's going to buy my pizzas? Who's going to buy my grocery store goods? Who's going to buy anything in America? We mention stuff like Alan Greenspan and Friedman. I've read a lot of their works and Alan Greenspan is the same person who brought the term "irrational exuberance". What did irrational exuberance do for us? It helped him and President Clinton get rid of the 1933 Banking Act in 1997 which actually, I believe, helped cause the malaise and problems that we have with the world banking and everything else. What does that have to do with this here, today? It has taken money out of our economy in so many ways that everybody is struggling. Everyone in every facet of our economy is struggling because of some greedy people at the top of the food chain. We're talking about those at the bottom rung of the ladder that have no chance to get out. If Henry Ford, in 1914, can raise his wages from \$2.50 to \$5 a day, I think we, in this Body, can raise the minimum wage and index it and pass this bill. Thank you, ladies and gentlemen.

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

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll be really brief. I just think that it's important that we all understand that this isn't simply a choice for many employers whether or not to pay the minimum wage. They do this because they have incredibly tight, tight margins and are struggling to keep their doors open. I think that many of these employers that we're suggesting could simply pay more, with no regard to their bottom line, look at their employees as family and they are doing their very very best by these employees. I think that this shouldn't go unrecognized. Thank you, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today in support of this measure. As the good Senator from Cumberland said, I do think it's important to look at where we've come from; where we come from as a Legislature, who we're fighting for on what given day, and what we have done for others in the past. Last session we fought hard and had a focus on small business, on regulatory reform. I am proud that that passed in this Body unanimously. I am proud that I could work on that measure with the good Senate President, the good Senator from Franklin, and with many other legislators to reduce costs for businesses. We are a small business state. We are also a business built on the backs and the hard work of 1.3 million Mainers. Not all of those are in the workforce today, but they will be shortly. What are we doing today to stand up for them? We're talking about 14,000 individuals, a small increase will take this to 40,000. We are elected to govern. We are elected to govern so that aspects of our economy prosper. That's what we're talking about today. We're talking about a very small fraction. Unfortunately, those people are in poverty, working hard to get out of it, working for an opportunity. I've listened to a lot of different facts and figures today. If Mark Twain was here he'd be, "Lies, damn lies and statistics." He would. It's a famous saying. We all spin these numbers in different directions. You can't deny who we are arguing for; 14,000 people that will be increased to 40,000. That's who I'm standing up for today. That's what we ought to be thinking about. That's who I'll be voting for. If you push that green light, that's what you will be doing. Mr. President, I would encourage all of us to support the pending motion.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I, too, stand for those 14,000 people who we all agree don't want minimum wage jobs, no matter what the minimum wage happens to be. How can we bring the better paying jobs to Maine? There are lies and statistics and I agree, but I'm sure we have all heard from our constituents, as I have. How do you answer the small businessman who says, "I'm on the edge right now. If my labor costs go up I may not be around any more"? How many jobs are going to be lost? How do you answer the other businesses that I heard from that said, "If this passes, it increases my labor cost by \$56,000 and five people are going to be laid off"? Another told me that four people were going to be laid off. It's not just those lay-offs, it's the entry level people who aren't going to be able to even enter the workforce because those jobs aren't going to be there. We're all here trying to help the same people. To me, the point is that in the middle of a recession, I'm not talking about a national recession, I'm talking about a recession here in the state of Maine, why would we be doing something that we know will increase unemployment? It will make us feel good, that we're going to put some more money in people's pockets. Why would we want to do something that is going to increase unemployment and make us less competitive with all those states we're doing all we can to become more competitive with? We all want to feel good about what we do here. We all want to feel we're helping people. It's the law of unintended consequences and I fear that we will do exactly the

opposite of what we'd like to do with a yes vote. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm new here, but it appears that if you speak first on an issue you have to get up and speak a second time. I rise for that occasion. In all seriousness, I look at the flyer that was presented on our desks today with nearly a dozen associations, small businesses, medium sized businesses, and large businesses from around this state. These are the folks who employ many of those 14,000 people who have been referred to here. I think what we reflect on if we're doing our job as an elected official is that we go through a political process up until the November of the election year. We get elected by a certain number of people who vote for us. Then we have an obligation to represent all people, not just those who supported us and not just those of our own philosophy. We have an obligation to represent all people. In this discussion today I try to think of the net effect on all the folks in my district and around this state who will be impacted by this and weigh those balance sheets. The choices we make because there are ultimately going to be people who benefit and who are penalized by decisions that we make in this Body and in this institution. In this economy, as somebody who also employs people. I weigh those balance sheet figures. I recognize that the people that work for me, like those that work for some of you in this room and those listening to us, count on that paycheck every week. I have an obligation to make sure that that paycheck is good at the bank, that there are funds to cover it now and to cover it in the future. If they seek to stay with me and continue in that occupation, I have an obligation to understand what the consequences are if I shut down and those folks are left without the means to provide for themselves and their families. This measure, to me, is about whether we provide an entry level wage that allows unskilled people an opportunity to enter into the workforce and become self-sufficient. I think many of you can share with me what incredible feeling it is when you get those first paychecks from a new job, when you first started out and you are taking home money that you have exchanged your labor and your sweat for. I think we look at this in different perspectives. I think it's unfortunate that we tend to, in some cases, shape it into a class warfare mentality because business does not exist without the people who labor for it. The people who labor do not have those jobs without the businesspeople who are willing to take the risk and provide for them. In voting for this, I think what we're voting for is a message to the people who are willing to take the risk because the folks who are employed, if they are employed at this level, don't have to stay here. Nothing that we do today indicates that the individuals at a minimum wage must stay there. It's the first step on a long journey for many of them. I thank you for your time and consideration.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick 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 (#24)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, 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 **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-16) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Legislature To Provide a One-year Period of Penalty Relief for Withdrawal of Forest Land from Current Use Valuation
H.P. 89 L.D. 107

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

Signed:

Senators:
HASKELL of Cumberland
MILLETT of Cumberland

Representatives:
GOODE of Bangor
BROOKS of Winterport
KNIGHT of Livermore Falls
LIBBY of Lewiston
MAREAN of Hollis
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-14)**.

Signed:

Senator:
THOMAS of Somerset

Representatives:
BENNETT of Kennebunk
JACKSON of Oxford

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

Reports **READ**.

Senator **HASKELL** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt Members of the Houlton Band of Maliseet Indians from Property Tax"

H.P. 277 L.D. 402

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

Signed:

Senators:
HASKELL of Cumberland
MILLETT of Cumberland
THOMAS of Somerset

Representatives:
GOODE of Bangor
BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
LIBBY of Lewiston
MAREAN of Hollis
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-11)**.

Signed:

Representative:
BROOKS of Winterport

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

Reports **READ**.

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

Senate

Ought to Pass

Senator GERZOFOSKY for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, Directing the Department of Corrections To Amend Its Rules Pertaining to Certification of Batterer Intervention Programs (EMERGENCY)
S.P. 431 L.D. 1237

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SAVIELLO for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Exempt All-terrain Vehicle Trail Management from Storm Water Management Requirements"

S.P. 232 L.D. 642

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator LACHOWICZ for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Charter of the Augusta Parking District"

S.P. 137 L.D. 357

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator GRATWICK for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend and Clarify the Maine Uniform Securities Act"

S.P. 65 L.D. 176

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-18)**.

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

READ ONCE.

Committee Amendment "A" (S-18) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MAZUREK for the Committee on **TRANSPORTATION** on Bill "An Act Regarding Maine Commercial Motor Carrier Safety Regulations"

S.P. 187 L.D. 494

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-16)**.

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

READ ONCE.

Committee Amendment "A" (S-16) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Exempt Occupants of Antique Autos from Seat Belt Requirements" (EMERGENCY)

S.P. 24 L.D. 57

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

Signed:

Senators:

MAZUREK of Knox
VALENTINO of York

Representatives:

THERIAULT of Madawaska
GILLWAY of Searsport
McLEAN of Gorham
NUTTING of Oakland
PARRY of Arundel
PEOPLES of Westbrook
POWERS of Naples
TURNER of Burlington
VEROW of Brewer
WERTS of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-17)**.

Signed:

Senator:

COLLINS of York

Reports **READ**.

Senator **MAZUREK** of Knox moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, as you can see this is my bill. I got a little bit out voted on the final numbers of the committee. Nevertheless, I felt obligated to stand and speak very briefly on this because we all don't like to debate bills with a 12-1 vote. Nevertheless, I wanted to give you a brief explanation of what I was doing with this legislation. If you have an automobile that has an antique auto registration the passenger, as well as the driver, would be exempt from having to wear their seatbelts during a parade. A parade, quite simply, we've all been involved in them. They move about 10 miles per hour and a parade procession moves down a street. Quite often there are people in the motor vehicle as part of the parade. It might be a convertible. The current beauty queen or whoever they are honoring in the parade would be sitting on the back of the convertible in the boot area, as they call it, without a seatbelt on. This bill was going to exempt passengers, as well as the driver, of an antique vehicle, or registered as an antique motor vehicle. That brings up an interesting point. An antique automobile is classified by the State of Maine as being a vehicle 25 years or older. That's the description of the bill. Mr. President, I would request a roll call.

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

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **MAZUREK** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

SECOND READERS

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

House

Bill "An Act To Provide for the Continuity of a Veterinary Practice Subsequent to the Death or Incapacitation of the Owner"
H.P. 298 L.D. 426

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

Senate As Amended

Bill "An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations"

S.P. 47 L.D. 126
(C "A" S-12)

Bill "An Act To Amend the Definition of 'Public Way' To Include Streets and Highways Owned by Quasi-municipal Corporations or Districts"

S.P. 48 L.D. 127
(C "A" S-15)

Bill "An Act To Electronically Issue Permits for Burning"

S.P. 118 L.D. 285
(C "A" S-14)

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

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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 (3/28/13) matter:

Bill "An Act To Protect Public Health by Regulating Excessive Wood Smoke as a Nuisance"

H.P. 860 L.D. 1215

Tabled - March 28, 2013, by Senator **CRAVEN** of Androscoggin

Pending - **REFERENCE**

(Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.)

(In House, March 27, 2013, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

On motion by Senator **CRAVEN** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/28/13) matter:

Bill "An Act To Streamline the Charitable Solicitations Act"
S.P. 438 L.D. 1277

Tabled - March 28, 2013, by Senator **PATRICK** of Oxford

Pending - **REFERENCE**

(Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.)

On motion by Senator **PATRICK** of Oxford, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/28/13) matter:

Bill "An Act To Increase Funding for the Snowmobile Trail Fund and Adjust the Sales Tax Relating to Snowmobiles and Trail-grooming Equipment"

H.P. 902 L.D. 1263

Tabled - March 28, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by Senator **DUTREMBLE** of York to **REFER** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence

(In House, March 28, 2013, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.)

On motion by Senator **DUTREMBLE** of York, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Allow Law Enforcement Agencies Access to Animal Licensing Information"

H.P. 912 L.D. 1285

Bill "An Act To Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter"

H.P. 913 L.D. 1286

Bill "An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers"

H.P. 914 L.D. 1287

Come from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

Bill "An Act To Create an Animal Abuser Registry"

H.P. 916 L.D. 1289

Bill "An Act Regarding Computers Used To Commit a Crime or Facilitate the Commission of a Crime"

H.P. 941 L.D. 1316

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require High School Students To Complete Community Service"

H.P. 917 L.D. 1290

Bill "An Act To Create the Maine Education Investment Board"
H.P. 928 L.D. 1301

Come from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act Regarding the Effect on Collective Bargaining Agreements of Failure To Validate a School Budget"

H.P. 918 L.D. 1291

Come from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Create the Presque Isle Utilities District"
H.P. 920 L.D. 1293

Come from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

On motion by Senator **CLEVELAND** of Androscoggin, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

Bill "An Act To Minimize the Use of Plastic Bags"
H.P. 919 L.D. 1292

Bill "An Act To Amend the Maine Metallic Mineral Mining Act To Protect Water Quality"

H.P. 929 L.D. 1302

Come from the House, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

On motion by Senator **BOYLE** of Cumberland, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Increase the Penalty for Smoking in a Motor Vehicle When a Child Is Present"

H.P. 921 L.D. 1294

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **CRAVEN** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish
H.P. 930 L.D. 1303

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **DUTREMBLE** of York, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act To Ensure the Safety of Compounded Drugs"
H.P. 934 L.D. 1315

Come from the House, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **PATRICK** of Oxford, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects"

H.P. 922 L.D. 1295

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

On motion by Senator **LACHOWICZ** of Kennebec, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Bill "An Act To Provide Funding for Public Education by Increasing the Sales Tax"

H.P. 924 L.D. 1297

Bill "An Act To Allow a Local Option Tax on Meals and Lodging"
H.P. 933 L.D. 1314

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act To Require the Secretary of State To Suspend a Person's License in Certain Instances Regardless of whether an Accident Report Has Been Filed"

H.P. 923 L.D. 1296

Resolve, Establishing the East-west Highway Study Commission To Oversee Further Study or Planning for an East-west Highway
H.P. 931 L.D. 1304

Come 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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Promote and Expand Awareness of the Educational Opportunity Tax Credit"

H.P. 926 L.D. 1300

Comes from the House, **REFERRED** to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** and ordered printed.

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Bill "An Act To Authorize the Houlton Band of Maliseet Indians To Operate a Casino in Aroostook County"

H.P. 925 L.D. 1298

Bill "An Act Related to Rent Escrow"

H.P. 940 L.D. 1317

Bill "An Act To Authorize a Federally Recognized Indian Tribe in the State To Benefit from the Operation of an Existing Casino"
H.P. 942 L.D. 1319

Come from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

On motion by Senator **TUTTLE** of York, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, 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 Resolve

Resolve, To Direct the Department of Education To Amend Its Rules Regarding Restraint of Students

S.P. 79 L.D. 243
(C "A" S-6)

On motion by Senator **SAVIELLO** of Franklin, 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 Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to thank all of you because this bill actually will allow, as I have said many times, teachers to teach. I won't bore you with the details, but it shows how if we work together we can make a difference. This is one of those unique bills in my career of being in this State House where things aligned. The Teacher's Association, the Superintendents, the school boards, and the principals, it was one of those unique places where they all agreed, which made it a very powerful presentation in front of the committee. I want to thank the committee, Chair Millett and Johnson, for understanding what this bill was about as the various members and teachers came in and testified. They helped fix what I think was a well-intended rule that really restricted our abilities for the teachers to teach. I appreciate their efforts. I appreciate the stakeholders that got together to resolve this issue and bring resolutions for our teachers to go back into the classrooms and make a difference with our students. Thank you very much, Mr. President.

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

Senator **MILLETT:** Thank you Mr. President. Ladies and gentlemen of the Senate, as Chair of the Education Committee I would like to thank Senator Saviello for sponsoring this bill. It was a pleasure to work with the entire committee and the stakeholders to arrive at a consensus recommendation regarding this important educational issue. I would encourage all of you to join me in supporting this bill.

THE PRESIDENT: The pending question before the Senate is Final Passage. A Roll Call has been ordered. Is the Senate ready for the question?

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED**, until Wednesday, April 3, 2013, at 10:00 in the morning, in memory of and lasting tribute to Barbara T. Whittaker of Sanford.

ROLL CALL (#25)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, DUTREMBLE, FLOOD, GERZOFSKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: None

ABSENT: Senator: CUSHING

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

Ordered sent down forthwith.

Senator **CRAVEN** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senator **CAIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator **JOHNSON** of Lincoln was granted unanimous consent to address the Senate off the Record.

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

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