

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

In Senate Chamber
Wednesday
May 27, 2015

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

Prayer by Pastor Mark Adolphsen, Littlefield Memorial Baptist
Church in Rockland.

PASTOR ADOLPHSEN: Let us pray. Father, You have
instructed us in Your word to come boldly to the throne of grace.
In the name of Jesus, Lord, we just pray, Father, that You would
give wisdom, direction, understanding. Father, that You would
guide and direct everything that takes place here this day. Lord,
that Your glory would be made known. We thank You in Jesus'
name. Amen.

Pledge of Allegiance led by Senator Paul T. Davis, Sr. of
Piscataquis County.

Reading of the Journal of Tuesday, May 26, 2015.

Doctor of the day, Joann Kaplan, MD of Newcastle.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **HEALTH AND
HUMAN SERVICES** on Resolve, To Direct the Department of
Health and Human Services To Address the Growing Deficit in
Room and Board Allowances Paid to Agencies Providing
Residential Services to Adults with Intellectual Disabilities or
Autism (EMERGENCY)

H.P. 192 L.D. 274

Majority - **Ought to Pass as Amended by Committee
Amendment "A" (H-131)** (7 members)

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

In House, May 14, 2015, the Majority **OUGHT TO PASS AS
AMENDED** Report **READ** and **ACCEPTED** and the Resolve
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-131)**.

In Senate, May 21, 2015, on motion by Senator **BRAKEY** of
Androscoggin, the Minority **OUGHT NOT TO PASS** Report **READ**
and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND
LOCAL GOVERNMENT** on Bill "An Act To Buy American-made
Products"

H.P. 273 L.D. 407

Majority - **Ought to Pass as Amended by Committee
Amendment "A" (H-141)** (7 members)

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

In House, May 20, 2015, 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-141)**.

In Senate, May 21, 2015, on motion by Senator **WHITTEMORE** of
Somerset, the Minority **OUGHT NOT TO PASS** Report **READ**
and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **WHITTEMORE** of Somerset, the Senate
INSISTED.

Joint Order

The following Joint Order:

H.P. 976

ORDERED, the Senate concurring, that the Joint Standing
Committee on Inland Fisheries and Wildlife shall report out, to the
House, a bill concerning the protection of Maine's outdoor
heritage.

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

READ and **PASSED**, in concurrence.

Joint Resolution

The following Joint Resolution:

H.P. 469

**JOINT RESOLUTION
HONORING DR. JOHN FITZSIMMONS**

WHEREAS, Dr. John Fitzsimmons has resigned as President of the Maine Community College System, a post he has held since 1990, and we take this opportunity to recognize his long and distinguished career with the Maine Community College System; and

WHEREAS, during the past 24 years, enrollment at the system's 7 colleges has increased from 3,300 students to 18,160, with an additional 13,000 individuals enrolled in customized training and non-credit and continuing education courses; and

WHEREAS, Dr. Fitzsimmons earned his bachelor's degree from the University of Rhode Island, his master's degree from the University of Southern Maine and his doctorate from Nova Southeastern University; and

WHEREAS, he served as a Sergeant in the United States Marine Corps, including a tour of duty in Vietnam in 1969 and 1970, and he chaired the veterans' group responsible for building the Maine Vietnam Veterans Memorial in Augusta; and

WHEREAS, under Dr. Fitzsimmons' leadership, the community college system has played a significant role in enhancing educational opportunities for Maine adults and career-bound high school students, while 94% of employed system graduates are working in Maine; and

WHEREAS, Dr. Fitzsimmons has spent the last 36 years in the field of higher education and training, as prior to his current post he served as Maine's Commissioner of Labor under Governor John R. McKernan, Jr. and received numerous national recognitions including the prestigious National Alliance of Business "State of the Year" award honoring Maine for Dr. Fitzsimmons' innovative programs in human resource development; and

WHEREAS, during his presidency, the Maine Community College System has received national recognition from the National Alliance of Business and the University of Florida Future's Assembly and is a recipient of the David Pierce Organizational Leadership Award from North Carolina State University's National Initiative for Leadership and Institutional Effectiveness; and

WHEREAS, Dr. Fitzsimmons has been honored with the Maine State Chamber of Commerce's Dirigo Award for his leadership efforts in economic development, and the Economic Development Council of Maine presented him with its Lifetime Achievement Award in recognition of his leadership and vision in the areas of higher education and workforce development; and

WHEREAS, in 2009, MaineBiz, a leading business publication, honored Dr. Fitzsimmons as the Non-Profit Business Leader of the Year and, in 2012, he was inducted into the Junior Achievement of Maine Business Hall of Fame in recognition of his significant and enduring contributions to Maine's economy and its sense of community, and this past year Maine Magazine named him one of 50 people shaping our State; and

WHEREAS, as we acknowledge President Fitzsimmons' dedicated service to the field of higher education, to the State's economy and to the People of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this

opportunity to extend our appreciation to Dr. John Fitzsimmons for his commitment to the Maine Community College System and for his long and exemplary public service to the State and Nation; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Dr. John Fitzsimmons.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 353

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

May 26, 2015

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

Dear Secretary Priest:

Pursuant to my authority under Title 5, MRSA Chapter 163 §2003, I am pleased to appoint David Edson of Old Town to the Maine Library of Geographic Information Board as a public member.

If you have any questions regarding this appointment please do not hesitate to contact my office.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 354

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

May 22, 2015

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

Dear President Thibodeau,

This is to inform you that I am today nominating the following to the Marine Resources Advisory Council:

Raymond C. Swenton of Gorham, appointment
Jennifer S. Bichrest of Topsham, reappointment
Christopher G. Weiner of Portland, reappointment

Pursuant to Title 12, MRSA §6024, this appointment and these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 355

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

May 22, 2015

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

Dear President Thibodeau,

This is to inform you that I am today nominating David R. Ferguson, Esq. of Limerick for appointment to the Board of Trustees, Maine School of Science and Mathematics.

Pursuant to Title 20-A, MRSA §8204, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 356

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

May 22, 2015

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

Dear President Thibodeau,

This is to inform you that I am today nominating Bruce S. Harrington of Fairfield for reappointment and Peter J. DelGreco of Brunswick for appointment to the Maine Rural Development Authority.

Pursuant to Title 5, MRSA §13120-D, this appointment and this reappointment are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 357

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

May 22, 2015

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

Dear President Thibodeau,

This is to inform you that I am today nominating Richard A. Cook, Ph.D. of Hermon for reappointment to the Maine Milk Commission.

Pursuant to Title 7, MRSA §2952, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 358

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

May 22, 2015

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

Dear President Thibodeau,

This is to inform you that I am today nominating Elizabeth F. Fitzgerald of Machiasport and Michael G. Radeka of Whiting for reappointment to the Washington County Development Authority.

Pursuant to Title 5, MRSA §13083-C, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 359

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

May 22, 2015

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

Dear President Thibodeau,

This is to inform you that I am today nominating Jeffrey C. Lewis of Ellsworth for reappointment and Jerry W. Scribner of Belgrade for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this reappointment and this appointment are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Inland Fisheries and Wildlife.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 360

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

May 22, 2015

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

Dear President Thibodeau,

This is to inform you that I am today nominating Brian H. Noyes of Freeport for reappointment to the Board of Trustees, Maine Public Employees Retirement System.

Pursuant to Title 5, MRSA §17102, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Appropriations and Financial Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 168

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

May 26, 2015

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Criminal Justice and Public Safety on Bill "An Act To Provide a Source of Funding for Drug Abuse Resistance Education" (S.P. 144) (L.D. 376)

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 362

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

22 May 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 525, "Resolve, To Direct the Department of Health and Human Services To Report on Efforts To Reach in Rural Areas Persons Who Are Elderly, Disabled or Mentally Ill."

This unfunded mandate requires that the Department hold a public hearing in Piscataquis County and report on its efforts to reach clients in rural parts of Maine who are elderly, disabled, or mentally ill, and whether the Department is accessible to them.

As indicated at the public hearing, offices within the Department already hold weekly, monthly, or quarterly calls or meetings with Piscataquis County residents, providers, and stakeholders. These offices include Substance Abuse and Mental Health Services, the Office of Aging and Disability Services, and the Office of MaineCare Services. Additionally, the Office of Aging and Disability Services contracts with the Eastern Area Agency on Aging to provide services to Piscataquis County residents. These services include the Senior Food Bank, Meals on Wheels, the State Health Insurance Assistance Program, Savvy Caregiver Training, Elder Buddies, and Pantry Partners. Additionally, a Department computer kiosk is located at Penquis CAP, which provides access to Department services. For those who find computers difficult to use, Maine's health and human services information line, 2-1-1, is available around the clock to assist an individual in finding the services they need. A bevy of State resources are already deployed to reach our rural residents, including those in Piscataquis County. This resolve is unnecessary.

For these reasons, I return LD 525 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Resolve:

Resolve, To Direct the Department of Health and Human Services To Report on Efforts To Reach in Rural Areas Persons Who Are Elderly, Disabled or Mentally Ill

S.P. 194 L.D. 525

Senate at Ease.

Senate called to order by the President.

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

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#93)

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

NAYS: Senator: VALENTINO

EXCUSED: Senator: GRATWICK

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being excused, and 33 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

The Following Communication: S.C. 363

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

22 May 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

NAYS: Senators: ALFOND, BREEN, DUTREMBLE, HILL,
JOHNSON, LIBBY, MCCORMICK, MILLETT,
PATRICK, VALENTINO, WILLETTE

Dear Honorable Members of the 127th Legislature:

EXCUSED: Senator: GRATWICK

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 737, "An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses."

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, and 23 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

This bill was introduced in response to a tragic car accident which claimed the life of a teenager in Maine. The main element left in this amended bill will allow the Secretary of State to offer optional decals to individuals with an intermediate license to place on their vehicle for the purpose of raising awareness to safe driving. Although this is a noble cause with great intentions, I cannot support this bill. This particular decal could allow criminals to easily identify vehicles in which the driver will most likely be alone and young. Instead of relying on a decal, we must continue to focus on educating young individuals about the consequences of distracted driving and violating motor vehicle laws. We must also constantly remind young drivers that operating a vehicle has and will always be a privilege, and great pain can be caused if this privilege is not taken seriously.

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

For this reason, I return LD 737 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses

S.P. 267 L.D. 737

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#94)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, EDGEComb, GERZOFsky, HAMPER, HASKELL, KATZ, LANGLEY, MASON, MIRAMANT, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, THE PRESIDENT – MICHAEL D. THIBODEAU

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Implement Recommendations of the Government Oversight Committee To Clarify That Competitive Bid Provisions Apply to Grant Awards"

H.P. 916 L.D. 1347

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.

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

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Protect Homeowners from Damage in the Event of a Failure of Public Water Systems"

H.P. 441 L.D. 660

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-189)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-189)**.

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

READ ONCE.

Committee Amendment "A" (H-189) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Resolve, Requiring the Judicial Department To Study Court Facility Needs in Oxford, Waldo and York Counties

H.P. 860 L.D. 1260

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-190)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-190)**.

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

READ ONCE.

Committee Amendment "A" (H-190) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Move a Township from House District 150 to House District 151"

H.P. 616 L.D. 897

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-188)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-188)**.

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

READ ONCE.

Committee Amendment "A" (H-188) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act To Improve Transit Services Statewide"

H.P. 578 L.D. 844

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-186)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-186)**.

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

READ ONCE.

Committee Amendment "A" (H-186) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Prohibit the Use of Certain Disposable or Polystyrene Food Service Containers"

H.P. 307 L.D. 468

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

Signed:

Senators:

SAVIELLO of Franklin
BRAKEY of Androscoggin

Representatives:

BUCKLAND of Farmington
CAMPBELL of Orrington
DUCHESNE of Hudson
HANLEY of Pittston
MARTIN of Eagle Lake
TUCKER of Brunswick
WHITE of Washburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-187)**.

Signed:

Senator:

BREEN of Cumberland

Representatives:

WELSH of Rockport
CHIPMAN of Portland
HARLOW of Portland

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

Reports **READ**.

Senator **SAVIELLO** of Franklin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#95)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, EDGEComb, GERZOFSKY, HAMPER, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT – MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, DUTREMBLE, HASKELL, HILL, JOHNSON, MILLETT, VALENTINO

EXCUSED: Senator: GRATWICK

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **SAVIELLO** of Franklin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Concerning Pavement Sealing Products"

H.P. 826 L.D. 1208

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

Signed:

Senators:

SAVIELLO of Franklin
BRAKEY of Androscoggin

Representatives:

BUCKLAND of Farmington
CAMPBELL of Orrington
DUCHESNE of Hudson
HANLEY of Pittston
MARTIN of Eagle Lake
WHITE of Washburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representatives:

WELSH of Rockport
CHIPMAN of Portland
HARLOW of Portland
TUCKER of Brunswick

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

Reports **READ**.

Senator **SAVIELLO** of Franklin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#96)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, HAMPER, HASKELL, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT – MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, GERZOFSKY, HILL, JOHNSON, MILLETT, MIRAMANT, PATRICK

EXCUSED: Senator: GRATWICK

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **SAVIELLO** of Franklin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Relating to Automatic Contract Renewals"
H.P. 613 L.D. 894

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

Signed:

Senators:
VOLK of Cumberland
PATRICK of Oxford

Representatives:
HERBIG of Belfast
BATES of Westbrook
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-184)**.

Signed:

Senator:
CUSHING of Penobscot

Representatives:
AUSTIN of Gray
CAMPBELL of Newfield
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Permit a Licensed Sales Representative To Provide Spirits at an Approved Tasting Event"
H.P. 350 L.D. 511

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-176)**.

Signed:

Senator:
COLLINS of York

Representatives:
LUCHINI of Ellsworth
DILLINGHAM of Oxford
GOLDEN of Lewiston
KINNEY of Limington
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
SCHNECK of Bangor

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

Signed:

Senators:
CYRWAY of Kennebec
PATRICK of Oxford

Representatives:
HANINGTON of Lincoln
TURNER of Burlington

(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-176)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-176) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator WOODSOME for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Clarify the Law Governing the Collection of Unpaid Sanitary District Charges"

S.P. 67 L.D. 192

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-121)**.

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

READ ONCE.

Committee Amendment "A" (S-121) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator WOODSOME for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Preserve the Efficiency of Transportation Maintenance and Construction Activities"

S.P. 450 L.D. 1245

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-122)**.

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

READ ONCE.

Committee Amendment "A" (S-122) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens"

S.P. 124 L.D. 309

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

Signed:

Senator:
JOHNSON of Lincoln

Representatives:
HOBBINS of Saco
EVANGELOS of Friendship
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-124)**.

Signed:

Senators:
BURNS of Washington
VOLK of Cumberland

Representatives:
GINZLER of Bridgton
GUERIN of Glenburn
HERRICK of Paris
SHERMAN of Hodgdon

Reports **READ**.

Senator **BURNS** of Washington moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Promote Equity in the Joint and Several Liability Law in Maine"
S.P. 163 L.D. 434

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

Signed:

Senator:
JOHNSON of Lincoln

Representatives:
HOBBINS of Saco
EVANGELOS of Friendship
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-125)**.

Signed:

Senators:
BURNS of Washington
VOLK of Cumberland

Representatives:
GINZLER of Bridgton
GUERIN of Glenburn
HERRICK of Paris
SHERMAN of Hodgdon

Reports **READ**.

Senator **BURNS** of Washington moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

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

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

ENACTORS

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

Emergency Measure

An Act To Restore Public Safety Programs in the Department of Public Safety

H.P. 473 L.D. 697
(C "A" H-145)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act To Repeal Authorization for Smelt Fishing in Mud Brook in Aroostook County

H.P. 882 L.D. 1296

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Resolve

Resolve, Establishing the Commission to Study Services Available on the Long-term Care Continuum
H.P. 446 L.D. 665
(C "A" H-162)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Rules for Permitting Overlimit Commercial Motor Vehicles of Specified Configurations To Travel Designated Routes, a Late-filed Major Substantive Rule of the Department of Transportation

H.P. 803 L.D. 1172
(C "A" H-149)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Emergency Resolve

Resolve, Regarding the Department of Environmental Protection's Rule Chapter 500: Stormwater Management
S.P. 535 L.D. 1427

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (5/13/15) matter:

HOUSE REPORT - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, pursuant to Joint Rule 204, on Bill "An Act To Extend the Funding Period for Landfill Closure Costs"
H.P. 404 L.D. 580

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-115)**

Tabled - May 13, 2015, by Senator **CUSHING** of Penobscot

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

(In House, May 12, 2015, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-115).**)

(In Senate, May 13, 2015, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-115) **READ** and **ADOPTED**, in concurrence.

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

On motion by Senator **DILL** of Penobscot, Senate Amendment "A" (S-113) **READ.**

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

Senator **DILL:** Thank you, Mr. President. This is a fairly simple amendment. All it does is moves the effective date of September 1, 1989 and changes it to January 10, 1990. The rationale for this is that this is basically dealing with landfills that were in operation before this time, or permitted before this time, to have an extension of funding to help close them. What this does is it gets one more town added to the list, and that happens to be Old Town. The City Manager contacted me and asked if there was anything that could be done. The rationale is that, as I said, this bill right now would go into effect September 1, 1989. In all due diligence, Old Town had started the process in 1988 and actually had their application in for the landfill permit in March 1989. Unfortunately, it took DEP about 10 months to issue that permit. If it had been done in a timely fashion Old Town would have been included in this date. They received their permit on January 9th from DEP. It was signed on January 3, 1990. This does add a fiscal note and this will be in addition to the original fiscal note. The original fiscal note on the bill was somewhere between \$400,000 and \$900,000. This changes it to between \$765,000 to \$1.1 million. These are all special dedicated funds that I have been assured by the Office of Fiscal and Program Review that there is enough funding there to cover these and it doesn't impact other towns. I heard someone say, "Gees, if you do it for one town you need to do it for another town." The next town that would come under this act would be in 1992, plus they did not in due diligence have their application in. I urge you to vote for this amendment. Thank you.

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, I just wanted to just share a little bit of context for the bill and the amendment. This is a bill that came from the Department of Environmental Protection. It got great support in committee. In essence, the DEP pays 75% of closure for the landfills in Maine that are properly licensed. We have closed

some already, so we put an extension on it so we could continue that work in our communities. The DEP pays 75% of the closure costs for these and, as Senator **DILL** mentioned, this is special revenue funding, not General Fund, and this comes from rolling income gained by tipping fees in our communities. Despite the fact that this particular amendment has a different looking fiscal note than the rest of the bill, I want to assure you, Mr. President and the rest of the Senate, that the funding is available for this amendment and will continue to be in the future. Thank you very much.

On motion by Senator **DILL** of Penobscot, Senate Amendment "A" (S-113) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-115) AND SENATE AMENDMENT "A" (S-113), in NON-CONCURRENCE.

Sent down for concurrence.

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

Acts

An Act To Clarify That the Medical Records of Applicants for Disability Variances Submitted to Municipal Boards of Appeal Are Not Public Records

H.P. 94 L.D. 136
(C "A" H-163)

An Act To Amend the Maine Clean Election Act Regarding Candidate Participation in Political Action Committees

H.P. 132 L.D. 174
(C "A" H-147)

An Act To Improve the Reporting of Child Abuse

S.P. 74 L.D. 199
(C "A" S-93)

An Act To Clarify Restrictions on Disclosure of E-9-1-1 System Information

H.P. 149 L.D. 206
(C "A" H-165)

An Act To Provide a Minor with a Defense to Prosecution in a Situation That Involves Risk of Alcohol Overdose

H.P. 181 L.D. 263
(C "A" H-142)

An Act To Include Nonalcoholic Malt Beverages in the List of Exempt Products in the Law Regarding the Labeling of Genetically Engineered Products

H.P. 295 L.D. 456

An Act To Expand the Scope of Practice for Denturists
H.P. 327 L.D. 488
(C "A" H-130; H "A" H-169)

An Act To Amend the Military Bureau Laws
S.P. 251 L.D. 693
(C "A" S-97)

An Act Regarding the Industry Partnership Assistance
Collaborative's Grant Program
H.P. 476 L.D. 700

An Act To Update the Validation of Miscellaneous Defects and
Defective Acknowledgments in the Conveyance of Real Estate
H.P. 529 L.D. 776

An Act To Improve the Health of Maine Citizens and Safety of
Pedestrians
H.P. 537 L.D. 788
(C "A" H-171)

An Act To Amend Maine's Threatened and Endangered Species
List
S.P. 281 L.D. 807
(C "A" S-90)

An Act To Amend and Clarify Certain Notice and Assessment
Provisions of the Maine Condominium Act
S.P. 294 L.D. 820

An Act To Amend Certain Laws Affecting the Judicial Branch
H.P. 611 L.D. 892
(C "A" H-164)

An Act Regarding Alcohol Manufacturing Licenses Issued to
Research Facilities
S.P. 326 L.D. 935
(C "A" S-98)

An Act To Suspend the Right of an Out-of-state Toll Violator To
Operate a Motor Vehicle on Maine Roads
H.P. 682 L.D. 987
(C "A" H-148)

An Act To Require That Certain Active Duty Military Personnel
Are Eligible for the Resident Application Fee for a Concealed
Handgun Permit
H.P. 737 L.D. 1068
(C "A" H-153)

An Act To Make Minor Changes and Corrections to Statutes
Administered by the Department of Environmental Protection
S.P. 397 L.D. 1128
(C "A" S-91)

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

Ordered sent down forthwith.

An Act To Provide Funding for Home Visiting Services
H.P. 376 L.D. 552
(C "A" H-161)

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

An Act To Amend Maine's Sex Trafficking and Child Welfare
Laws
S.P. 244 L.D. 651
(C "A" S-96)

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

An Act To Provide Access to Opioid Analgesics with Abuse-
deterrent Properties
H.P. 638 L.D. 919
(C "A" H-159)

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

An Act To Fund the Cold Case Homicide Unit in the Department
of the Attorney General
S.P. 393 L.D. 1121
(C "A" S-92)

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

An Act To Increase Funding for the Maine Community College
System
H.P. 838 L.D. 1220
(C "A" H-107)

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

Resolves

Resolve, To Require the Director of the Bureau of Maine
Veterans' Services To Make Recommendations To Ensure Equity
in the Benefits Provided to Military Service Members
H.P. 68 L.D. 74
(C "A" H-168)

Resolve, To Create a License Plate To Recognize the Bicentennial of the State

S.P. 455 L.D. 1273
(C "A" S-99)

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

Ordered sent down forthwith.

Resolve, To Increase Funding To Support Peer Centers

H.P. 316 L.D. 477
(C "A" H-160)

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

ORDERS OF THE DAY

On motion by Senator **COLLINS** of York, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

Emergency Measure

An Act Concerning Commercial Vehicles at Canadian Weight Limits Traveling to Certain Points in the State

H.P. 378 L.D. 554
(C "A" H-85)

Placed on the Special Highway Table - May 6, 2015, by Senator **COLLINS** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, April 30, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85)**, in concurrence.)

(In House, May 5, 2015, **PASSED TO BE ENACTED**.)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 1 Senator having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act To Exempt a Fee for a Paper or Plastic Single-use Carry-out Bag from Tax

S.P. 206 L.D. 590
(C "A" S-15)

Placed on the Special Appropriations Table - May 21, 2015, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In House, April 16, 2015, **PASSED TO BE ENACTED**.)

(In Senate, April 23, 2015, **RECONSIDERED ADOPTION** of Committee Amendment "A" (S-15). **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**.)

(In House, May 12, 2015, that Body **INSISTED**.)

(In Senate, May 14, 2015, **RECEDED** and **CONCURRED** to **ENACTMENT**.)

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

Ordered sent down forthwith.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Pursuant to Constitution Public Land

Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey the Parcel of Land in Kittery Known as John Paul Jones Memorial Park to the Town of Kittery

S.P. 278 L.D. 780
(C "A" S-80)

Placed on the Special Appropriations Table - May 20, 2015, by Senator **HAMPER** of Oxford

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 12, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-80)**.)

(In House, May 19, 2015, **FINALLY PASSED**.)

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 32 Senators having voted in the affirmative and no Senators having voted in the negative, and 32 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.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later Assigned (5/5/15) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees

H.P. 9 L.D. 6

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-52)** (8 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - May 5, 2015, by Senator **WHITTEMORE** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 30, 2015, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-52) AS AMENDED BY HOUSE AMENDMENT "A" (H-87)** thereto.)

(In Senate, May 5, 2015, Reports **READ**.)

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

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

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I rise to speak in favor of the pending motion. This comes from a unanimous report from the Government Oversight Committee, six members from each party. It arises out of the CDC document shredding case. We, on the Government Oversight Committee, were surprised to learn, Mr. President, as many others in this Chamber may be surprised to learn, that Maine State Government has no code of conduct, no code of ethics, for Executive Department employees. What rules are expected of you? When you see something wrong, what are you supposed to do? When you are asked to do something you think is wrong, what are you supposed to do? What does conflict of interest mean and how are you supposed to avoid it? Those are

questions that many other states have answered through a code of ethics and a 2009 report to this Legislature recommended that we do. Now we are finally doing it. This bill, Mr. President, assigns to the Department of Administration and Financial Services the task of developing a code, to initiate procedures for employees who need to be able to seek guidance, to initiate procedures to report potential wrong doing, procedures to guide employees as they navigate through difficult ethical waters. The department is supposed to recommend a similar code for legislature employees as well. The bill, Mr. President, also provides funding for a new position to oversee the implementation of this plan. This is code, Mr. President, that I would suggest is long overdue. Although Maine has a reputation, and a well-deserved one, for being a state of clean government, there have been occasions when that has not been the case. I'd point out three examples in the last several years with the Maine Turnpike Authority, with irregularities regarding the sale of a warden's residence, and now with the document shredding case at CDC. I would urge our support, Mr. President, for the pending motion. Thank you.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to briefly support the good Senator from Kennebec County, Senator Katz. This was a unanimous report after a lot of due process through the Government Oversight Committee and the efforts of the OPEGA regarding some issues that came before our committee. As Senator Katz said, this is an effort to strengthen ethical standards. We all know, or we all believe, that we have an extremely ethical workforce in the State of Maine. We're very proud of them. Very proud of the work that they do. From time to time there are ethical violations, or apparent ethical violations, and each employee in the State ought to know exactly what's expected of them, where they can go for help as far as working through an ethical situation that they may face or may be challenged with from an employee or an employer. This is an effort to bring some consistency across the State agencies. I believe, from my experience, that most of our State agencies have some good policies within them. I had the opportunity to work, a long career, with one of those State agencies and there was never any question in my mind as to what was expected of me as far as ethics or what my procedure would be if I saw an ethics breach or there was a conflict. I'm not sure that's the case and consistency is present with all the agencies. We found, through the hearings that we held in the Government Oversight Committee, that there were a lot of questions, there was a lot of confusion, as to where employees were to go and how they were to proceed. I think this is, as Senator Katz said, long overdue. This is something that we need to do to bring in consistency across our State government. It's going to require some effort as far as somebody to coordinate this, but I think each of our departments already have the people in place to make this happen if it's not happening already. That oversight will make sure that things are consistent throughout State government. I think this is something we certainly should require of our State government and I think it will avoid a lot of problems in the future that we dealt with in the Government Oversight Committee. Thank you very much for your time.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Whittemore 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 (#97)

YEAS: Senators: ALFOND, BRAKEY, BREEN, BURNS, COLLINS, CYRWAY, DAVIS, DIAMOND, DUTREMBLE, EDGECOMB, GERZOFKY, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WOODSOME

NAYS: Senators: BAKER, CUSHING, ROSEN, WILLETTE, THE PRESIDENT – MICHAEL D. THIBODEAU

EXCUSED: Senators: DILL, GRATWICK, LANGLEY

27 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-52) **READ**.

House Amendment "A" (H-87) to Committee Amendment "A" (H-52) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-52) as Amended by House Amendment "A" (H-87) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-52) AS AMENDED BY HOUSE AMENDMENT "A" (H-87)** thereto, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/6/15) matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Lower the Eligibility Age for a Junior Hunting License"
H.P. 114 L.D. 156

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-105)** (11 members)

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

Tabled - May 6, 2015, by Senator **DAVIS** of Piscataquis

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 5, 2015, 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-105.)**)

(In Senate, May 6, 2015, Reports **READ**.)

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

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

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I would like to urge you to vote against the pending motion, which is to accept the report of the committee. I think that the proposal that we have in front of us, in order to allow children of any age to be afield hunting during hunting season, is an inappropriate one. Currently, the standard is that the child has to be 10 years old in order to go with an adult. This bill would remove that limit and would allow an individual to hunt with a 5, 6, 7 year old, 8, 9 year old, at that person's discretion. I am concerned for the safety of both the children who would be out there at that age and for the individuals who would also be, like myself, perhaps hunting in an area where there was a child of that age with a firearm in the woods. I think that the proposals that have been put forward are an attempt to create as much safety as possible around that. However, in the last 10 years there have been 75 incidents in the woods during hunting season and 7 of those involved a shooter who was 16 or under. That's the kids between 10 and 16. That's 10% of the incidents that occurred were from that age group. Of those seven, five of those were self-inflicted. That means that, in my mind, those are young individuals without the proper training in handling. Two of those incidents involved two parties, where the shooter did not properly identify their target. Those are also serious matters that occur. I think that if we open this up and allow kids who are younger than that who, frankly, many of them won't have the physical capacity to be able to carry a weapon and who are going to be, as I said, out there at 4, 5, 6, 7 years old. The bill originally intended for it to be 8 years old. That was the original proposal. That 8 year old limit was struck so that there would be no lower limit. I think that we risk those children to some extent. I also think the risk for others who are out there and hunting afield also goes up when you have kids in first grade, second grade, third grade, youngsters out there in the woods. I think that this is a move in the wrong direction. As I read the committee amendment to the bill, someone can correct me if I'm wrong, they must be accompanied by an adult over 18 years old, someone who holds a valid license, or someone who has successfully completed the hunter safety course. That's an "or" not an "and." That means that someone who has completed the course but has not gotten their license. Consequently, it could be somebody who is an ethics violator, somebody who is not allowed to hunt, could be the person who is out with the child. It does not require that that

person who took the course actually go and get their license. I think there are holes in this. I think it's the wrong direction and I would urge you to join me in voting no on accepting this report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. In deference to my good friend from Cumberland, I don't agree with her. This bill will replace the 10 year requirement, to be sure, and it gives the parents the right to choose. Thirty-nine states currently have this provision in their law, including the states of Vermont and New Hampshire. They allow the parents to decide when the children go hunting. Since it's been put into place, no state has had serious enough incidents to overturn this law. In many states this has been part of their law since 2004. In fact the Family Afield Program started this in 2004. Since then almost 1.5 million new hunters have come into play. The State of Minnesota calls this program the most successful hunter recruitment program ever. If you read the stats from the department and the figures, you know that's becoming a very important thing to the current situation over in the Department of Inland Fisheries and Wildlife. It also, Mr. President, has been a very effective tool in recruiting women, both rural and urban, to come to hunting. There were no opponents at the hearing. The Sportsman Alliance of Maine and the Maine Professional Guides Association, the U.S. Sportsman's Association all spoke in favor of it. In fact, Mr. President, each year the U.S. Sportsman's Association does a survey. They hire a firm to get it done and they go to every state that has this law. It is proven that this law and this group of hunters are five times safer than the average hunter. I would urge you all to follow my light. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Piscataquis, Senator Davis 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 (#98)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DUTREMBLE, EDGEComb, GERZOFsky, HAMPER, HILL, KATZ, MASON, MCCORMICK, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT – MICHAEL D. THIBODEAU

NAYS: Senators: BREEN, HASKELL, JOHNSON, LIBBY, MILLETT, VALENTINO

EXCUSED: Senators: DILL, GRATWICK, LANGLEY

26 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **DAVIS** of Piscataquis to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-105) **READ.**

On motion by Senator **DAVIS** of Piscataquis, Senate Amendment "B" (S-123) to Committee Amendment "A" (H-105) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you very much, Mr. President. Just a very brief explanation of this amendment. It requires that the person hold a junior hunting license and that at no time can they be beyond the effective control of the adult supervisor and they must remain within 20 feet of this young person when they are hunting. I trust the Warden force will aggressively enforce this. Thank you.

On motion by Senator **DAVIS** of Piscataquis, Senate Amendment "B" (S-123) to Committee Amendment "A" (H-105) **ADOPTED.**

Committee Amendment "A" (H-105) as Amended by Senate Amendment "B" (S-123) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-105) AS AMENDED BY SENATE AMENDMENT "B" (S-123)** thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/19/15) matter:

Bill "An Act To Eliminate the Requirement That Truck Campers Be Registered" S.P. 476 L.D. 1308

Tabled - May 19, 2015, by Senator **COLLINS** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, May 13, 2015, on motion by Senator **COLLINS** of York, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In House, May 14, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

On motion by Senator **COLLINS** of York, the Senate **ADHERED.**

Sent down for concurrence.

Off Record Remarks

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

On motion by Senator **PATRICK** of Oxford, **ADJOURNED** to Thursday, May 28, 2015, at 10:00 in the morning.