

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

In Senate Chamber
Thursday
May 26, 2011

Senate called to order by President Kevin L. Raye of Washington County.

Prayer by Senator Nichi Farnham of Penobscot County.

SENATOR FARNHAM: Good morning. Since this is our last session day before Memorial Day I thought a Memorial Day message would be appropriate. Memorial Day was officially proclaimed by General John Logan, National Commander of the Grand Army of the Republic, and was first observed on May 30, 1868, when flowers were placed on graves of the Union and Confederate soldiers in Arlington Cemetery. As we know, one of the visible symbols of Memorial Day is the red poppy. Inspired by the poem In Flanders Field, Moira Michael conceived an idea to wear red poppies on Memorial Day to honor those who died serving the nation during war. She was first to wear one and sold poppies to friends and coworkers, with the money going to benefit service men in need. Moira replied to the In Flanders Field poem with her own poem titled We Shall Keep the Faith.

Oh you who sleep in Flanders' fields, sleep sweet to rise anew.
We caught the torch you threw; and holding high we kept the faith with those who died.
We cherish, too, the poppy red that grows on fields where valor led.
It seems to signal to the skies that blood of heroes never dies,
but lends a luster to the red of the flower that blooms above the dead in Flanders' Fields.
Now the torch and poppy red wear in honor of our dead.
Fear not that ye have died for naught.
We've learned the lesson that ye taught in Flanders' Fields.

Pledge of Allegiance led by Senator Stanley J. Gerzofsky of Cumberland County.

National Anthem will be performed by Dr. A. Jan Berlin, MD of South Freeport.

Reading of the Journal of Wednesday, May 25, 2011.

Doctor of the day, Dr. A. Jan Berlin, MD of South Freeport.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 511

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 31, 2011, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

Senator **SNOWE-MELLO** of Androscoggin requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Session.

ORDERS

Joint Resolution

On motion by Senator **ALFOND** of Cumberland, the following Joint Resolution:
S.P. 512

JOINT RESOLUTION HONORING THE AZERBAIJAN COMMUNITY OF MAINE

WHEREAS, Azerbaijani-Americans are an ethnic community with a recognized presence in our State, actively contributing to the regional diversity, intercultural understanding, peace and prosperity; and

WHEREAS, the Republic of Azerbaijan was proclaimed on May 28, 1918 and became the first secular democratic republic in the Turkic and Muslim world, among the first nation-states granting universal suffrage rights, and was recognized by other democratic nations, including the United States of America; and

WHEREAS, the Republic of Azerbaijan was an independent state from 1918 to 1920 and was a constituent state of the Union of Soviet Socialist Republics from 1922 to 1991. On October 18, 1991, the Parliament of Azerbaijan adopted the Constitutional Act of State Independence from the Soviet Union; and

WHEREAS, the Republic of Azerbaijan has an area of 33,400 square miles, including the enclave of Nakchivan and Karabakh region, and it is situated in the South Caucasus region of Eurasia; and

WHEREAS, the territorial integrity, state sovereignty and independence of the Republic of Azerbaijan have been unconditionally recognized and supported by the United States since 1992; and

WHEREAS, every year for the last 93 years, Azerbaijanis around the globe, who are one of the largest ethnic groups in the world with an estimated 45 million people, observe May 28th as National Day and remember the contribution of their forebears to the spread of democracy in the regions of the Caucasus, Central Asia and the Middle East; and

WHEREAS, as the continuation of its founders' guiding principles and promotion of common values of humanity and democracy, the Republic of Azerbaijan is a staunch ally and a strategic partner of the United States; and

WHEREAS, the Republic of Azerbaijan is an active member of the NATO Partnership for Peace program, and Azerbaijan troops participated side by side with Americans in the peacemaking operations in Kosovo, Afghanistan and Iraq; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to honor Azerbaijani-Americans on May 28, 2011, Azerbaijan National Day.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Pursuant to Joint Rule 309

From the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State"

H.P. 251 L.D. 309

Received by the Clerk of the House on May 16, 2011, pursuant to Joint Rule 309.

Comes from the House with the Bill **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Senator **RECTOR** of Knox moved the Bill and accompanying papers be **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, 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 Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm a bit confused on why we're here. If I look at the bill number, it's L.D. 309. I believe we're well into the 1500's. If I'm playing the timeline right, this was referred to the Labor, Commerce, Research and Economic Committee in the first week of February. It is now almost June. I am just confused by the statements from the President and from others saying we need to get stuff done, we to get stuff out of committees, committees are supposed to be done work because we need to get out on June 8th, and now we're putting bills back into committee. I am very confused about why this is happening and feel that it is going to slow the whole process down that we are trying to do as far as getting out by June 8th. I will not be supporting this motion. I feel that with something that was referred to committee in February and has not been heard until now there has been plenty of time. There has been ample time. I guess I'm confused on why it hasn't been heard and what's been going on with this bill. I know in Education we had close to 200 bills. We got through our work. I guess I'm just very confused on what's going on with this bill and what the meaning is. Thank you.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I appreciate the comments from the good Assistant Minority Leader and his efforts to help the President to move the paper forward here. I think that this is very admirable and I would suggest that we would have lots of opportunities to do that on a daily basis through our discussions in this Body.

Having said that, the reason this bill is before us is it was inadvertently pulled out of committee. It was pulled out of committee without the approval of the President and that is why it's going back to committee so that it can have a transparent process so that people will be able to comment on it before it is voted on. Thank you, Mr. President.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I guess my major concern with this bill is that we're trying very hard to come up with a two-thirds budget so that we can get out of here. This is an emotional issue, taken up at the same time as the budget is being taken up. I'm afraid it just sets a lot of bad feelings here. Many of us have tried to work together. Other than one serious problem, we've done pretty well here. I think if we bring this one back up we jeopardize the budget in its entirety. I'm very concerned about that. I think we really need to think. Somebody had to have brought that bill out of committee, to pull it out of committee. I don't know if it was the other Body or what. The fact remains that we have a budget and I think that's

far more important than what we have right now. I'm actually going to oppose this. Thank you.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I, too, am very confused on how this is happening. I've had the good fortune, and I've had a lot of people say that it isn't good fortune, to serve on the Labor Committee throughout my nine years here in Augusta. I've never seen anything like this in the past. I actually had the privilege in the 124th of chairing the committee. We always have highly contentious issues come up in that committee, but we deal with them. Sometimes they don't go to my satisfaction and sometimes they do. That's the nature of the issues that we are dealing with. This session the chairman, who I would say has done an excellent job throughout, has scheduled hearings I thought very well and appropriately. For reasons that I'm not sure of, this bill set and languished and languished. Actually there were two bills. I don't know why, if it was inadvertent. If this one came out then why wouldn't both of them be going back? Those two bills sat in committee all that time. While I was very concerned about them and asked when we were going to hear them, no one seemed to know. For the bills to be pulled out and then later on sent back in is something that I have not seen in my time here. If they were such an important issue I think the second floor could have put a bill in, which I think they can do at any time, to have this issue heard. Once they were pulled out, a lot of people felt that we weren't going to be dealing with this issue any more. A lot of people were very concerned about it and kind of breathed a sigh of relief. For me, it's very unfair to turn around and put them back in. We're going to have a hearing on quite a short turn around. I don't know if everyone's going to have a chance to be heard now after waiting four or five months to have these hearings. I'm not an expert on the Legislature, but in my nine years I've never seen anything like this. It's very disheartening. It's very concerning, to me. We've heard a lot of talk about this issue nationwide. I don't know how this, at this point, is going to help anything we're doing in the Body. Like I said, it's something I don't understand. Why are we doing this at this point? I've never seen anything like it. We had the bills for a long time. We could have heard them. We could have done it like we normally do these things and it would have been contentious, just like it will be now. It would have been the process. It would have been the way we always do it. This is something totally different. I've seen bills passed without going to committee at this time of year, but they were always bills that everyone had a pretty good idea that they would be unanimous and weren't contentious. For this now, I don't think it's fair, really, to the public to say that three days from now or four days from now we're going to have a hearing on something as contentious as this. I'd be voting against the motion.

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

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, I hope you will indulge me and allow me to ask a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **DILL:** Thank you Mr. President. My question is directed to anyone who can answer it, but in particular to the Senator from York, Senator Courtney. As a new member, I'm just trying to understand how a bill, on the eve of budget negotiations and on the eve of the renegotiations of a labor contract, a bill so controversial, so electric, that has drawn national attention gets inadvertently pulled from committee.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I asked a similar question and I got an answer. Earlier my leadership stood up and said the President of this Chamber, which by the way has been a very honorable President of the Senate and has been a man of his word and has integrity, I think, that's unchallenged, didn't agree to this coming out of committee. I think the action before you is an appropriate one. I ask you, what other options do we have other than to recommit the bill? I think everything appropriate has been done. I trust the Senate President's actions. Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, I'd like to pose a question, also.

THE PRESIDENT: The Senator may pose his question.

Senator **BRANNIGAN:** Thank you Mr. President. This is unusual. Could somebody tell us how this was pulled out of committee without jurisdiction? Who pulled it out of committee? When was it pulled out of committee? Thank you, Mr. President.

THE PRESIDENT: The Senator from Cumberland, Senator Brannigan poses questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today to talk about process and transparency. It is incumbent upon us to have the faith of the public that we keep our processes here in the Legislature and state government open and transparent. I am not questioning the necessity to have a hearing on this bill at some time, but now is not the time. We have other tools in our toolbox to have this hearing in the future if it is so needed. Another component about transparency is predictability. We should not surprise constituencies in our role as legislators on scheduling matters. We should make sure that everyone has proper notice. We are on the verge, if this motion was to pass, to schedule a hearing on the eve of a long weekend without giving proper notice. Many people are under the understanding that this bill had seen the last opportunities for a hearing long ago and that it was not going to be dealt with this session. Now they are going to be quite surprised when they are reading in the papers that they have to change their schedules, take time off from work, whether they support or oppose, to come next week. We have seen other bills. We have heard other debate. Now, at the end of session, is not the right time. Why

jeopardize the good faith effort we've put forth on so many bills in this session by bringing this back to committee and having a contentious hearing and not the proper process? Thank you, Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, all kinds of things are swirling around in my head about what happened here. I really just don't know what the actually process is when a bill comes out because it is my understanding that it couldn't happen without authorization. I guess I would just like to know, could I pose a question through the Chair, please?

THE PRESIDENT: The Senator may pose her question.

Senator **SCHNEIDER:** Thank you Mr. President. I don't know if it is appropriate to find out the actually process from somebody who may have the answer to this. What is the actual process that one must take in order to just pull a bill out of committee? Thank you, Mr. President.

THE PRESIDENT: The Senator from Penobscot, Senator Schneider poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, wow, I've heard some pretty interesting comments this morning. I've never seen anything like it. It's about transparency. It's about making sure constituencies have proper notice. Without talking on the bill, which we're not supposed to be doing, the policies in this bill were put into place by a majority budget that was passed four hours after it was put in in the dead of night. I would suggest that this process right now is offering true transparency so that we can have a full discussion of this policy, or potential change, under the light of day. We seem to have pretty short memories around here. I would suggest that there is nothing wrong with this discussion. Just yesterday we recommitted a bill. I just can't understand the inconsistencies with the arguments. With that, Mr. President, thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, I don't want to feel put off. I don't want to feel insulted. I asked a question. Does it mean that nobody has the answer? I asked three questions. Nobody has the answer to any three of those or am I being insulted? Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I don't mean any disrespect by my asking these questions? I think that they are valid questions. I think in light of the timeframe and the fact that the piece of legislation had been in committee for so long is what raises the issue. The fact that it is a bill that I've been getting letter on for a very, very long

time from people in other states, Washington D.C., telling me how I should vote on this piece of legislation for a long time. I think this is why this issue of why and how this has occurred is important. I think it's an important one for those reasons, because it has been in committee for something like four months, which I didn't realize how long. I know it was coming, but I didn't realize that it hadn't had its airing. I think that's why I would be asking the same questions on the other side of the aisle, frankly. I think that this is a matter of process, which I am a little bit of a stickler for. I think anybody who's seen me, a committee Chair, knows that I believe in the process and doing things in a respectful, orderly, and reasonable way. In this particular case I'm wondering how that process got derailed. That's why I'm standing and asking the question that I did. I'm sure somebody in the Senate Secretary's Office knows the process and I'd like to have the answer to that question because I really don't have that answer right now. It's one that I'm concerned about. I would like a response. If I don't get it here I suppose I'll be going to the Senate Secretary's Office to get that answer. Thank you. I appreciate your time and I would like to commend, on the record, the President of the Senate. I concur with the things that the Senator from Lincoln, Senator Trahan, had said. I absolutely believe in the Senate President's integrity and honor and I am very grateful that he has been our leader this session. Thank you very much.

The President requested the Sergeant-At-Arms escort the Senator from Penobscot, Senator **PLOWMAN** to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **DEBRA D. PLOWMAN** of Penobscot County.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you Madame President. I rise in response to the questions that have been posed on the floor this morning. First of all let me say that this bill was on the House calendar for days and days and days with every member of this legislature aware that it was back here. The House action occurred yesterday. Not a single member of this Body has approached me from the other side of the aisle with any question about this coming to our calendar until this session today. I have been approached by many lobbyists for the unions in the hallways over the past days asking me my expectations for what would happen with this bill. My response has been that I believed this bill was not over with. Do not interpret it being pulled out of committee as this bill being over with. I've been very straight forward with everybody who has asked that question. This bill was pulled from committee due to a clerical error. It was never my intention to have this bill pulled from committee. When the letter arrived on my desk for my signature to authorize it I refused to sign it. I contacted the Director's Office and said that I would not be signing it, this bill was not to be pulled from committee, to which I received a horrified gasp and "Oh my goodness, Mr. President,

we're sorry, it's already been done." They had interpreted the letter from the Presiding Officers earlier saying if you don't get your work done by date certain we have the right to come in and pull out bills. It was misinterpreted as carte blanche authority to pull out bills. Only two letters arrived on my desk seeking permission to pull out bills, this being one of them. I refused to sign it. It was pulled out in error. I hope that this answers the questions and lays to rest any misgivings that there may be on the other side of the aisle that I have suddenly decided to break with character and integrity, which I would hope that people would believe that I possess and have treated every member of this Body with respect, to believe that it was done in error and without my approval. This simply returns it to the committee so the committee can hold a Public Hearing, a Public Hearing, to allow people to weigh in. Could we just act on it up here without sending it back for a Public Hearing? Yes, but we want to do the right thing. We want to give people who may be concerned with the bill an opportunity to weigh in. I would remind all members in this Body that there have been many occasions in the past when that has not been afforded to people who have concerns with bills pending before this legislature. More than once, and everybody here knows it, this legislature has passed a bill at the final hour without a Public Hearing, often in the dark of night. That is not our approach. As for the suggestion that this should blow up the budget, I find that appalling. We have a shared responsibility to run State government and to fund State government and if issues that divide us, if every one of them, is to be a litmus test on whether or not we can pass a budget then all of us has failed. This is not about the State budget. This is about revisiting an issue that was, and I will use those words, rammed through in a partisan budget, a partisan majority budget, that we had opted not to engage in this year because we respect the history of this state, we respect the history of bi-partisanship that has guided budgets. As the presiding officer of this Body, I was proud to be a strong and early advocate of a two-thirds bi-partisan budget because I believe our best work is done when everybody has a voice at the table. That's what is happening. That's what is happening in this legislature. A bi-partisan two-thirds budget. It didn't happen by accident. It happened by design because we believe that everybody deserves a voice at the table. I believe that is the case with this bill as well. That's why I believe it is so important that this bill have a Public Hearing and folks that have a concern with it can weigh in, the members of the committee can take their testimony into consideration, and then we, as a legislature, can act. I just felt it was important to step down from the rostrum to respond to the question because I, frankly, felt that I'm the only person who can truly answer it. I can show you the letter that does not have my signature because I did not approve it as is required. Thank you.

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

The Sergeant-At-Arms escorted the Senator from Penobscot, Senator **PLOWMAN** to her seat on the floor.

Senate called to order by the President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, thank you very much, Mr. President, for taking the time to explain that. You are right. You are the only one that could explain it and I certainly believe what you just told us. I appreciate that. I didn't say anything about the budget. As far as I was concerned the budget had problems before this bill ever came. The only thing, for me, that I'd like to say is, and this came up before you had a chance to speak, I'm not sure of the talk about the majority budget. I know the majority budget. I understand that and everything, but the issues that we'll be dealing with in this bill I can remember dealing with in the Labor Committee either in the 122nd or the 123rd. I'm not sure. The issue was that we did have a public hearing. It was heard. It was contentious. There was a work session. That was contentious. That's my point. While the people might not have agreed with what happened then, there was a process there. As far as the budget goes, I really am more confused now. I do know that we did take a public hearing and the room was packed. People got to air their concerns. My only concern now, at this late date, and didn't speak with you so I didn't know what had happened, is the information or the things that I was hearing was that it was dead. I think a lot of people in the public thought that it was dead and that we weren't going to be taking it up. Now to come back at this late date and, more importantly, just a couple of days notice for a hearing, I would think, at best, it would be more appropriate if we could do this not next Thursday but maybe sometime in the week after so at least the public would have more of a chance to be notified, more of a chance to take the time out. It's a Thursday, which is hard for a lot of the general public to come to Augusta. I would say, with your explanation, which was certainly appropriate, that I would ask that if at least we could back it up because I don't think there is anyone that thinks we're not going to be here the week after to deal with this. I would think it would be at least more appropriate for the public and give them a little bit more time for a hearing.

Off Record Remarks

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

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, I, too, would like to concur with all of the remarks made commending you and your integrity and your honesty. I, personally, would like to thank you for your treatment of me, as a Senator. I hope that you also would understand that these questions about process and how bills get inadvertently pulled from committees are, in fact, genuine. It was at 9:41 that I got the Senate calendar and was first alerted to the fact that this was going to be on today's calendar. I have no idea how bills get pulled from committee. I certainly am not suggesting that you did it. I just don't know how it happens. I appreciate your explanation. I'd also like to express my concern. This is a

dangerous game that we're playing. There is a public perception that this bill and all of its baggage is being brought forward at this time to put pressure on us, as lawmakers, in our negotiation of the budget. The two are linked. The budget makes substantial changes to public employee benefits and this bill also affects the ability of public employees to negotiate benefits. This is a dangerous game and I'm concerned. I think all of these questions are legitimate and they are in no way personal or attempting to undermine or question your integrity. Thank you, Mr. President.

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, I got my calendar last night. For those of you who are new, the calendar is published and is available on-line every evening for your review and again at your caucuses in the morning. In order to be able to proceed with the business of the Senate, I would suggest that persons be ready to come to the Senate ready to do the business of the Senate. Doing your homework the night before is part of doing your job. Keeping up with the House calendar is part of knowing what's coming down here. I'm not new to this. I started in 1992 in the House. You know the House does prepare you for the Senate in an incredible way. I do understand that we had to teach the Senator from Cumberland, Senator Gerzofsky, which button to press when he got here in order to speak. It was a lesson well learned. To show that you are unfamiliar with the process and not capable of moving through a calendar and not willing to be ready to go to work is not an excuse that a Maine State Senator should be proud to be saying on the floor of the Maine State Senate. I'm ready to go to work. I suggest the rest of you do the same.

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

Senator **WOODBURY:** Thank you Mr. President. I want to thank you for your very heartfelt and honest and thorough explanation of how we got to this point. Your integrity is superb. We are at a point where we're hoping to adjourn in perhaps two weeks, perhaps three. At this point in the process, and I'm not new to the process either, this vote that we're making today will be interpreted as a vote on the substance of the bill. I say that because I need to guide my vote at this point in deciding how to proceed. I want that to be in the public record. Thank you.

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

Senator **ALFOND:** Thank you Mr. President. I also appreciate the answer and thank you for being so thorough about it. I would pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **ALFOND:** Thank you Mr. President. My question is; there is another bill, L.D. 788. Apparently that could have been improperly pulled from committee.

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

Senator **COURTNEY:** Thank you Mr. President. I believe we are discussing item L.D. 309. I'm not sure if a reference to any other bill is pertinent to the debate.

THE PRESIDENT: The Senator is correct. The issue before us is committal of L.D. 309. The Senator will confine his comments to the matter before us. The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you Mr. President. I guess it will be up to the good Senator from York and I to come and visit with you and try to figure out what other bills that have been improperly pulled from any committee. I understand it is fate, because I think that the bill that is in front of us right now is not the only bill that could have been improperly pulled, apparently. Now I guess it makes me wonder what other bills out there have been improperly pulled and what other scheduling processes we need to make for ourselves and for the public. Thank you.

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

Senator **COURTNEY:** Thank you Mr. President. I would just like to suggest, where the President can't speak for himself, that the President has had a long history of having his door always open to the Minority leadership, without appointment and upon little or no notice.

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

Senator **HOBBS:** Thank you Mr. President. Men and women of the Senate, it is very unfortunate that we find ourselves in a situation where this Body, who I believe every member in this Body are acting in good faith, would find ourselves making statements about everyone else's intentions. You know, that's human nature, unfortunately. I can see both sides of the story with respect to how we have arrived here. I want to say, Mr. President, that I have the highest respect for your integrity. As you know, I was very fortunate to have been involved in your nomination process during the first day. The statements that I made on that day I believe today. I just want you to know that and for the record. It is unfortunate that, because of how we find ourselves, we find ourselves in this situation. Obviously this bill is going to go, because of the voting process that we have, and most likely will be recommitted. I think during that process we should also look at the backdrop of what is going on and the problems that could arise with the legislative process with other process involved. Unfortunately, whether we like it or not, we are down to the wire where linkage is always possible with issues, whether it is the budget or, as in 1991, Workers' Compensation. Unfortunately, sometimes, because of emotions, there is linkage of issues.

The problem I have, and the disappointment that I have, is not that this bill is before the Legislature because, quite frankly, these types of public policy issues need to be addressed. Quite frankly, we do have to look at different processes over a period of time to see whether or not they warrant continuation. I don't have a problem with that. My concern is that we find ourselves with a volatile issue that is being intermixed, at the end of the session, with a very sensitive budgetary process and a very, very unusual

situation that hasn't occurred for a while, and that is a complete reversal of our political process by an election.

The concern I have because of the timing aspect of this particular bill is because it comes at a point where labor negotiations between the State and its workers are beginning. Outside legal counsel has been retained. I won't get into the jab about where that person comes from, but outside legal counsel has been retained. The negotiators from both sides are preparing to make their case. Unfortunately, this bill could be perceived by outside interests as being an attempt to inject this piece of legislation into the collective bargaining process. Quite frankly, if in fact there was an intent to do so, in my humble legal opinion, it could warrant a look by a court as an unfair labor practice. Again, I'm not making that accusation. I'm just telling you what other legal minds, I'm sure much sharper than my legal mind, might consider. Please, I think we need to get beyond this issue, but also not rush this process through. We've delayed this process since February, unfortunately, because of miscommunication. I absolutely take personally the explanation that was brought to me by the Senator from Washington County. I do appreciate the fact that he came off the rostrum and explained that to us. With that, just some food for thought for everyone to consider, but we are treading in a very sensitive area. I hope that the efforts of the Appropriations Committee and all of those efforts are not sidetracked because of the emotions involved with this. I hope that no one takes advantage of the process because of this situation. Thank you.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I wasn't sure if I was going to get up or not because I had heard some thing this morning. I guess I'm in a little different place than many. First off, I know you certainly didn't solicit these responses, but when it comes to your character, Mr. President, or your integrity, nobody questions that. Certainly I don't and nobody in this room does. In fact, you have more fans back in my district than I do, I suspect. I keep hearing that at least. "Why can't you be more like the President?" I would say this much, the Senator from York, Senator Hobbins, made some comments about some things that I was going to say. I might say something a little bit more than that. I represent a lot of State employees. I should say before that, I am not their fair-haired boy. I was not endorsed by MSEA. I'm not someone that they think very much of, at least to leadership, I suspect. In spite of all that, I represent a lot of good people who work at the correctional center and other places as State employees. My concern is, and those of us who represent State employees, how fair is the timing of this? What we are talking about is the negotiation process that has been going on now for about a month. I think my constituents, at least, would see this as undue influence or at least an attempt along those lines. Not intentional in any way, because this bill was put in back in February when it might have been heard. I'm just concerned about the timing, where we've ended up with it, and how that might be perceived. I would ask that we at least think of that piece. Maybe there is some way we can work out that. I'm not sure. I don't have an answer. At least I'd like to maybe have the time to do that. Thank you, Mr. President.

Senator **ALFOND** of Cumberland moved to **TABLE** until Later in Today's Session, pending the motion by Senator **RECTOR** of Knox to **COMMIT** the Bill and accompanying papers to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in concurrence.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Alfond to Table until Later in Today's Session. 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 (#113)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

NAYS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **ALFOND** of Cumberland moved to **TABLE** until Later in Today's Session, pending the motion by Senator **RECTOR** of Knox to **COMMIT** the Bill and accompanying papers to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in concurrence, **FAILED**.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Rector to Commit the Bill and accompanying papers to the Committee on Labor, Commerce, Research and Economic Development. 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 (#114)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, ROSEN, SCHNEIDER, SULLIVAN, WOODBURY

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **RECTOR** of Knox to **COMMIT** the Bill and accompanying papers to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in concurrence, **PREVAILED**.

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require That a Student Satisfactorily Complete a Course in Civics and Government To Receive a High School Diploma"

H.P. 902 L.D. 1211

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-344)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-344)**.

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

READ ONCE.

Committee Amendment "A" (H-344) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Promote Transparency in the Medicaid Reimbursement Process"

H.P. 1092 L.D. 1485

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-349)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-349)**.

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

READ ONCE.

Committee Amendment "A" (H-349) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Ensure a Strong Start for Maine's Infants and Toddlers by Extending the Reach of High-quality Home Visitation
H.P. 1105 L.D. 1504

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-348)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348)**.

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

READ ONCE.

Committee Amendment "A" (H-348) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Restrict Permits Available to the Holder of a Super Pack License"

H.P. 630 L.D. 833

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-345)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)**.

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

READ ONCE.

Committee Amendment "A" (H-345) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish the Maine Back to Work Program"

H.P. 929 L.D. 1238

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-351)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-351)**.

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

READ ONCE.

Committee Amendment "A" (H-351) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Maine Laws under the United States Constitution and the Constitution of Maine"

H.P. 811 L.D. 1076

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

Signed:

Senators:

HASTINGS of Oxford
BARTLETT of Cumberland
WOODBURY of Cumberland

Representatives:

NASS of Acton
BEAULIEU of Auburn
FOSTER of Augusta
DILL of Cape Elizabeth
MALONEY of Augusta
MOULTON of York
PRIEST of Brunswick
ROCHELO of Biddeford

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

Signed:

Representatives:

SARTY of Denmark
WATERHOUSE of Bridgton

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Clarify the Award of Fees in Domestic Violence Cases" (EMERGENCY)

H.P. 1159 L.D. 1576

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

Signed:

Senators:

HASTINGS of Oxford
BARTLETT of Cumberland
WOODBURY of Cumberland

Representatives:

NASS of Acton
BEAULIEU of Auburn
FOSTER of Augusta
DILL of Cape Elizabeth
MALONEY of Augusta
MOULTON of York
PRIEST of Brunswick
ROCHELO of Biddeford

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

Signed:

Representatives:

SARTY of Denmark
WATERHOUSE of Bridgton

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

Reports **READ**.

Senator **HASTINGS** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** 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 Chair noted the absence of the Senator from Androscoggin, Senator Snowe-Mello and further excused the same Senator from this Roll Call vote.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#115)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: None

EXCUSED: Senator: SNOWE-MELLO

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **HASTINGS** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

READ ONCE.

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 Allow Independent Practice Dental Hygienists To Work within Their Scope of Practice" (EMERGENCY)
H.P. 183 L.D. 230

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-319)**.

Signed:

Senators:
RECTOR of Knox
MARTIN of Kennebec

Representatives:
PRESCOTT of Topsham
DRISCOLL of Westbrook
GILBERT of Jay
HUNT of Buxton
NEWENDYKE of Litchfield
TUTTLE of Sanford
VOLK of Scarborough

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

Signed:

Senator:
JACKSON of Aroostook

Representatives:
DOW of Waldoboro
HERBIG of Belfast
WINTLE of Garland

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-319)**.

Reports **READ**.

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

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

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, in recent memory, I think it was two years ago, we put in place an expansion of dental practice here in Maine to allow for independent practice dental hygienists to add to the pool of oral health providers in a way that expanded oral health for the citizens of Maine. It's very important. Oral health tends to be the centerpiece of our overall health. It's one of the most important predictors of our overall health. What L.D. 230 will do is create a two year pilot project to allow the independent practice dental hygienist who are working in federally designated dental professional shortage areas, and there are such areas designated in the state, to take x-rays. Currently, I suspect, any of us who go to the dentist have x-rays taken from time to time. I would guess that in more cases than not it is the hygienist who provides that service. The dentist then reads that x-ray and uses their diagnostic skills to determine what treatment might be necessary. We recognize that dentists possess that diagnostic skill. We are not suggesting that independent practice dental hygienists are to diagnosis these x-rays. What they are doing is taking the x-rays and then those x-rays will be reviewed within 21 days by a dentist with whom they have a relationship to do that.

I've got a couple of interesting statistics I just want to share with you. One reason for persons 15 to 45 to visit the emergency room in Maine, the number one reason, is for dental pain. There are about 11,000 visits per year and the cost is more than \$6 million. Having additional access to dental care provides us at least a modicum of opportunity in more remote areas to improve on those statistics. Bear in mind that independent practice dental hygienists need 4,000 hours of clinical experience under the direct supervision of a dentist. This is not an untrained individual. I would add that this concept has been endorsed by the Maine Dental Examiners Board. They are the oversight, professional licensing board that we have here in Maine for dental practice and it is they that endorsed this concept as well. I would urge you to support and accept the Majority Ought to Pass report. Thank you, 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 agree with a lot of what the good Senator from Knox, Senator Rector, has just said. We do have a

problem with having enough dentists in this state. My reasons for being against this bill is the fact that the dental hygienists are not able to legally read the x-rays and this pilot project is going to have these dental hygienists going to the dentist to read the x-ray, which is a problem that we have because we don't have enough dentists. It would seem to me that a person would just be better off to go to the dentist to begin with. I talked to the few dentists that are in my area and they are not in support of it, or at least the ones that I did talk to were not in support of it. They are not sure how this is going to work. Are they going to be able to charge to read these x-rays or not charge? Is there going to be a long line of x-rays for them to read in addition to the people that they are seeing? It just doesn't seem to solve the problem of not having enough dentists if you still have to go to a dentist. That's why I didn't support it. I know we certainly have an issue with not enough dentists in this state. I don't know that this actually helps because you're still going to go to the very few dentists that we have to read the x-rays. That's the reason I was against the bill.

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

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I'm going to be supporting this initiative because I think that we lack dental services in the state of Maine. However, I find it very, very frustrating with all of the bills that we have processed in Health and Human Services this year, including the cuts to the Fund for a Healthy Maine that supported dental services in the community. I think that this does have a fiscal note on it as well, which is worrisome. At any rate, I think that the services are so needed that I'm willing to overlook all of those difficulties and vote in favor. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Rector 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 (#116)

YEAS: Senators: BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, JACKSON

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **RECTOR** of Knox to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-319) **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 Promote the Hiring of Seasonal Workers" H.P. 829 L.D. 1117

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-271).**

Signed:

Senator:
RECTOR of Knox

Representatives:
DOW of Waldoboro
DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
TUTTLE of Sanford
WINTLE of Garland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-272).**

Signed:

Senators:
JACKSON of Aroostook
MARTIN of Kennebec

Representatives:
PRESCOTT of Topsham
NEWENDYKE of Litchfield
VOLK of Scarborough

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-272)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-272).**

Reports **READ.**

Senator **RECTOR** of Knox moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-271)** Report **ACCEPTED**, in **NON-CONCURRENCE**.

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

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, this bill is related to the payment of unemployment insurance premiums by employers. In Maine, we currently have a law that allows for an employer to hire a worker and not be responsible for unemployment insurance premiums if they lay them off within five weeks. If you are laid off within five weeks you are considered a seasonal worker and you, the employer, are not responsible for their liability as an unemployed person. If they are collecting unemployment it would be charged back to their previous employer. The amendment says it's possible that this five week number is not correct. It is possible that it should be six or seven or ten or possibly zero. The business community, itself, is not in agreement as to what that number of weeks should be. The fact is if you are not charged for five weeks it means the cost, should you lay off your employee, is socialized back to a previous employer and is paid for by that employer. That seems to me to be unfair and I think it seems to be unfair to a number of other members of my committee, on both sides of the aisle. There was no ultimate solution that the business community could arrive at and help us with, no direction that we could receive, and so we asked them to please get together and ask the Department of Labor to bring them together to have a discussion about this and to come back with a recommendation for what the appropriate number of weeks would be. That's what this amendment does and I would encourage you to support that effort rather than pick an arbitrary number out of the air because we decided, for no particular reason, that that's the number. That's where we are currently and I think it's inappropriate. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#117)

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, LANGLEY, MARTIN, MCCORMICK, PATRICK, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, KATZ, MASON, PLOWMAN, SULLIVAN, THIBODEAU, THOMAS

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **RECTOR** of Knox to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-271)** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-271) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Transfer the Guilford Butler School to Regional School Unit 13
S.P. 498 L.D. 1559

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-164)**.

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

READ ONCE.

Committee Amendment "A" (S-164) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify the State's Authority under Public Health Laws for Municipal Inspections of Establishments"

S.P. 273 L.D. 869

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-166)**.

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

READ ONCE.

Committee Amendment "A" (S-166) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Implement the Recommendations of the Report on Services for Elders and Other Adults Who Need Long-term Home-based and Community-based Care

S.P. 452 L.D. 1461

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-165).**

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

READ ONCE.

Committee Amendment "A" (S-165) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HASTINGS for the Committee on **JUDICIARY** on Bill "An Act To Amend the Uniform Principal and Income Act"

S.P. 479 L.D. 1517

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-167).**

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

READ ONCE.

Committee Amendment "A" (S-167) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Reduce Student Hunger"

S.P. 264 L.D. 860

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-170).**

Signed:

Senators:

LANGLEY of Hancock
ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
LOVEJOY of Portland
MAKER of Calais
McFADDEN of Dennysville
NELSON of Falmouth

RANKIN of Hiram
WAGNER of Lewiston

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

Signed:

Senator:

MASON of Androscoggin

Representative:

McCLELLAN of Raymond

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended Report.**)

Reports **READ.**

On motion by Senator **LANGLEY** of Hancock, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Extend the Salary Supplement for National Board-certified Teachers at Publicly Supported Secondary Schools That Enroll at Least 60% Public Students"

S.P. 425 L.D. 1380

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

Signed:

Senator:

ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
LOVEJOY of Portland
MAKER of Calais
McFADDEN of Dennysville
NELSON of Falmouth
WAGNER of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-168).**

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

McCLELLAN of Raymond
RANKIN of Hiram

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-168)** Report.

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

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, first and foremost, I am very happy to be talking about teachers. Teachers here in Maine, every day, go to school and work with our future, our students that will be taking our places and, hopefully, creating a prosperous Maine. However, by voting with this pending motion you will be taking money out of General Purpose Aid and you will be breaking the promises that we made to our public K-12 teachers. Why do I say that? Well, the National Board Certificate Program is something that we do here in the state. It is funded out of miscellaneous costs and that funding is very tenuous. In the FY 09 - 10 year we actually eliminated this funding. All of those teachers that had started the process did not get reimbursed. Currently a teacher that is going for their National Board Certification, it's a three year process, is paying out of their pocket. First there is a \$500 application fee. Then there is another \$2,000 that they put up in order to become Nationally Board Certified. Right now, under the current funding that we have under miscellaneous costs, we are only reimbursing those teachers \$2,043. You can see my worry and anxiety with potentially adding more teachers, more teachers that are not coming from our public schools, they are coming from private schools, to this already budget line. I believe and support all teachers, however, I would suggest for the supporter of this that anyone from our private schools or town academies can come up with the funds themselves, not out of GPA and not out of the miscellaneous budget, and do a similar program for their teachers. Thank you, Mr. President.

Off Record Remarks

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

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, to start with, I want to agree with the Senator from Cumberland, Senator Alfond, that this bill, which happens to be my bill, in case you were wondering, is about teachers. It's about those teachers who teach at the private

academies, the 60% schools; Thornton Academy, Fryeburg Academy, Erskine Academy, Foxcroft Academy, Lee Academy, Washington Academy, Maine Central Institute. These institutions, which have been in existence, as I know in Fryeburg, since 1790 something. That's what this bill is all about. The teachers at those 60% schools who teach something like 5,000 of our public school students. Why are they treated differently? Are they something different? Are they teachers that are not as important to us as our public school teachers? Let me give you the nuts and bolts of this. We now have a statute that says any public school teacher who receives National Board Certification receives a stipend of \$3,000. Right now there is enough money to fund that. That's true. There's about \$307,000 that was allocated. In our public school systems there are now 159 teachers qualified. It's a hugely rigorous process. It involves several years of hard work to obtain this certification. It shows the dedication, the commitment, of these teachers to their profession. It certainly does for those public school teachers. What we have learned is that there are just a small handful of teachers, and it would be small because it's a smaller pool of teachers. It's just as hard for a private school teacher, a teacher at a private academy, to obtain this as it is for somebody at Portland High School. There are three, four, or five of them. What we are talking about is a small handful of teachers; three, four, five, or six perhaps, who would be recognized for their dedication and commitment to their profession and who teach public school students just as expertly as do our public school teachers. They would simply be added to this pool of teachers who are qualified. This does not apply to the purely private schools, like Gould Academy or Hebron Academy. Only to those who qualify as the 60% schools that act as the local high school. Why in the world should we treat them differently? They are funded. Their education if funded by us. We don't fund the buildings, but we do fund their education through tuition, through contracts. Why wouldn't those teachers, who have gone to that huge effort to improve themselves, be entitled to the same benefits for teaching our public school students as those who do so in our public schools? Ladies and gentlemen, I urge you to support the pending motion. Thank you.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, responding to the good Senator from Oxford. No one is saying that these teachers at private academies would not be recognized for obtaining a National Board Certification. In fact, there is nothing getting in their way of going after the certification as we know it right now. What this bill is about is a small pool of money, that we already are underfunding, for our K-12 teachers who are going through the process and adding more teachers to that process. When people came in front of our committee, those opposed made some arguments, I don't know if they are true or not. Here are some of them. We believe this legislation is simply a backdoor approach to send more State money to approved private schools. I don't know if that is the case or not. I'm only in my third year here. Maybe this would be, maybe it wouldn't. All I know is that we have a small pool of money. We can't fund those K-12 teachers that are already in the process the \$3,000 that they believe that we said we would do. We're down to \$2,043. Now we're going to expand the pool. I don't know if there is going to be six teachers that come onboard from the private schools or sixty. I don't know.

No one knows. I would urge you all to vote with the majority of the committee, a bi-partisan vote, against this motion. Thank you.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is a flashback for me. As you know, if you read my literature, I was NEA Director for the State of Maine many years ago. I was on the Board of Directors for the State for a number of years. We used to run off to Washington D.C. and do our lobbying. This National Certification was developed by teachers on the national level. I think originally, when I was still on the board, there was two teachers from, I believe, Bangor High School. A phys ed teacher, of all things, became one of the first teachers to become nationally certified. The idea was to reward those teachers. It didn't have anything to do with the parochial schools. The idea was you were going to raise the quality of teachers. It's a rigorous, rigorous process. Those folks are viewed and interviewed. Part of the criteria is developing an expert in the school building so that they can help other teachers become great teachers. This is not something that just happened a few years ago. It's been sitting out there probably from the 1990's. I heard in our caucus this morning something Commissioner Bowen had done. I've known Commissioner Bowen for a long time. I know him very intimately. Maybe this has morphed into something else, but it started out to have master teacher types of people who could upgrade teachers in the classroom. I know several of these people and I think one or two, maybe Ursula Slavick from Cumberland, was among those groups that some of you may know. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley to Accept the Minority 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 (#118)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFOSKY, GOODALL, HILL, JACKSON, PATRICK, ROSEN, SCHNEIDER, SULLIVAN, WOODBURY

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-168)** Report, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (S-168) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Laws Governing Shoreland Zoning"

S.P. 70 L.D. 219

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

Senators:
SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:
HAMPER of Oxford
DUCHESNE of Hudson
HARLOW of Portland
INNES of Yarmouth
KNAPP of Gorham
NASS of Acton
PARKER of Veazie
WELSH of Rockport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-162).**

Signed:

Representatives:
AYOTTE of Caswell
LONG of Sherman

Reports **READ.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect the Civil Rights of Citizens"

S.P. 165 L.D. 573

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

Signed:

Senators:

HASTINGS of Oxford
BARTLETT of Cumberland
WOODBURY of Cumberland

Representatives:

NASS of Acton
BEAULIEU of Auburn
FOSTER of Augusta
DILL of Cape Elizabeth
MALONEY of Augusta
MOULTON of York
PRIEST of Brunswick
ROCHELO of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-171).**

Signed:

Representatives:

SARTY of Denmark
WATERHOUSE of Bridgton

Reports **READ.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Create a Family Ombudsman in the Judicial Branch and the Department of Corrections"

S.P. 393 L.D. 1272

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

Signed:

Senators:

HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

NASS of Acton
BEAULIEU of Auburn
FOSTER of Augusta
DILL of Cape Elizabeth
MALONEY of Augusta
MOULTON of York
PRIEST of Brunswick

ROCHELO of Biddeford
SARTY of Denmark
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-172).**

Signed:

Senator:

BARTLETT of Cumberland

Reports **READ.**

On motion by Senator **HASTINGS** of Oxford, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

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

SECOND READERS

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

House

Bill "An Act To Clarify and Update the Laws Related to Health Insurance, Insurance Producer Licensing and Surplus Lines Insurance"

H.P. 1138 L.D. 1551

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

House As Amended

Bill "An Act To Require That the Secretary of State Certify the Qualifications of Candidates for Legislative Office"

H.P. 229 L.D. 285
(C "A" H-341)

Bill "An Act To Continue Limited Entry in the Scallop Fishery" (EMERGENCY)

H.P. 274 L.D. 348
(C "A" H-333)

Bill "An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund"

H.P. 501 L.D. 671
(H "A" H-314 to C "A" H-274)

Bill "An Act To Establish an Elder Victims Restitution Fund"
H.P. 594 L.D. 787
(C "A" H-343)

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

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on State and Local Government To Make Necessary Changes to the Maine Administrative Procedure Act"
H.P. 837 L.D. 1125
(C "A" H-334)

Off Record Remarks

Bill "An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan"
H.P. 915 L.D. 1224
(C "A" H-322)

RECESSED until 1:00 in the afternoon.

After Recess

Bill "An Act Concerning Technical Changes to the Tax Laws"
H.P. 1077 L.D. 1468
(C "A" H-336)

Senate called to order by the President.

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

Off Record Remarks

Senate

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

Bill "An Act To Allow the City of Bangor To Replace the Bangor Auditorium and Civic Center at the Bass Park Complex"
S.P. 283 L.D. 895

SECOND READERS

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

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

House As Amended

Sent down for concurrence.

Bill "An Act To Revise Notification Requirements for Pesticide Application"

H.P. 181 L.D. 228
(C "A" H-244)

Senate As Amended

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

Bill "An Act To Extend the Use of Underground Storage Tanks"
S.P. 210 L.D. 721
(S "A" S-142 to C "A" S-119)

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

Bill "An Act To Require Use of the Electronic Death Registration System"
S.P. 392 L.D. 1271
(C "A" S-157)

REPORTS OF COMMITTEES

Bill "An Act Regarding the Scope of Services That May Be Provided by Pharmacies Owned by Hospitals"
S.P. 434 L.D. 1406
(C "A" S-161)

House

Ought to Pass As Amended

Bill "An Act To Allow Certain Wholesale Seafood Dealers To Process Imported Lobsters" (EMERGENCY)
S.P. 494 L.D. 1547
(C "A" S-156)

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Enhance the Security of Hospital Patients, Visitors and Employees"

H.P. 365 L.D. 472

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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-360)**.

Sent down for concurrence.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-360)**.

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

READ ONCE.

Committee Amendment "A" (H-360) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend Licensing and Certification Laws Administered by the Department of Health and Human Services"

H.P. 1129 L.D. 1537

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-359)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-359)**.

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

READ ONCE.

Committee Amendment "A" (H-359) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act Concerning the Protection of Personal Information in Communications with Elected Officials"

H.P. 817 L.D. 1082

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-361)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-361)**.

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

READ ONCE.

Committee Amendment "A" (H-361) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act Regarding Protection Orders and the Prosecution of Domestic Violence Cases"

H.P. 1004 L.D. 1365

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-362)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-362)**.

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

READ ONCE.

Committee Amendment "A" (H-362) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Amend the Maine Business Corporation Act"

H.P. 1103 L.D. 1502

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-363)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363)**.

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

READ ONCE.

Committee Amendment "A" (H-363) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act Honoring Gold Star Families through Special Registration Plates"

H.P. 1123 L.D. 1529

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-355)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-355)**.

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

READ ONCE.

Committee Amendment "A" (H-355) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Governing the Maine Turnpike Authority and To Implement Certain Recommendations of the Government Oversight Committee in the Office of Program Evaluation and Government Accountability Report Concerning the Maine Turnpike Authority"

H.P. 1130 L.D. 1538

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-354).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354).**

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

READ ONCE.

Committee Amendment "A" (H-354) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ENACTORS

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

Emergency Measure

An Act To Modify the Regulation of Fireworks
H.P. 406 L.D. 523
(C "A" H-328)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with 1 Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Protect Owners of Private Property against Trespass
H.P. 442 L.D. 559
(C "A" H-312)

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

Emergency Measure

An Act Regarding Gas Utilities under the Safety Jurisdiction of the Public Utilities Commission
H.P. 667 L.D. 908
(C "A" H-298)

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

Emergency Measure

An Act To Increase Recycling Jobs in Maine and Lower Costs for Maine Businesses Concerning Recycled Electronics
H.P. 725 L.D. 981
(C "A" H-315)

On motion by Senator **COURTNEY** of York, 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, very quickly. This is a good bill. We had no one testify against it. It's a combination of a number of bills we did on produce stewardship, which actually, believe it or not, will increase the number of job opportunities we have in the state and save us some money. No one testified against it. It's a very good bill. Thank you very much.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#119)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFOSKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: None

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Emergency Measure

An Act To Increase the Availability of Independent Medical Examiners under the Workers' Compensation Act of 1992
H.P. 791 L.D. 1056
(H "A" H-279 to C "A" H-204)

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 Knox, Senator Rector.

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, this also, as the previous Senator said about the previous bill, is a good bill and received a unanimous committee report. The House Amendment that was added since it was here was a technical adjustment. It is a good bill and it will increase the number of independent medical examiners for Workers' Comp cases. It's important, I think, to our workers. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, it was at my request that we have a roll call on this issue. I would like to thank the Chairman of the committee and those that worked on this issue. I think it is a pretty good compromise to an issue that pretty sticky. I'm not going to say a whole heck of a lot about the issue, but although the bill turned out fairly decent, I still have some reservations about the bill. I don't care if I'm the only one that votes in opposition to the bills, but I just want to make sure that I'm on record that I do have problems with this and, in general, to what the doctors who were insurance doctors who are now going to be able to do independent medical exams. I just wanted to go on

record with that. I don't want to belabor it, so thank you very much.

THE PRESIDENT: The pending question before the Senate is Enactment. 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 (#120)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFOSKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senator: PATRICK

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with 1 Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act Concerning the Labeling of Maine Shellfish Products
H.P. 1035 L.D. 1409
(C "A" H-321)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Emergency Measure

An Act To Update the Bankruptcy Laws To Incorporate Federal Changes Relating to Exemptions
H.P. 1041 L.D. 1415

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Emergency Measure

An Act To Streamline the Waste Motor Oil Disposal Site Remediation Program

H.P. 1055 L.D. 1434
(C "A" H-318)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2011-12

H.P. 1074 L.D. 1459
(C "A" H-266)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Emergency Measure

An Act To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use

H.P. 1106 L.D. 1505
(C "A" H-325)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Emergency Measure

An Act To Amend the Winthrop Utilities District Charter

H.P. 1160 L.D. 1577

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Emergency Resolve

Resolve, To Adjust Composting Limits for Farms

H.P. 713 L.D. 969
(H "A" H-233 to C "A" H-196)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with 1 Senator 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.

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:

Acts

An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment

H.P. 106 L.D. 124
(C "A" H-253)

An Act To Improve Party Status Requirements

H.P. 125 L.D. 142
(H "A" H-184 to C "A" H-41)

An Act To Amend the Laws Regulating Dealers of Agricultural, Industrial, Construction and Forestry Equipment

H.P. 164 L.D. 187
(C "A" H-324)

An Act To Amend the Standards by Which Law Enforcement Officers May Stop an All-terrain Vehicle Operating on Private Property

H.P. 207 L.D. 254
(C "A" H-160)

An Act Regarding Penalties for Opting Out of Paperless Billing

S.P. 82 L.D. 273
(S "A" S-132 to C "A" S-118)

An Act To Assist School Administrative Units in Providing Health Insurance to Their Employees

H.P. 322 L.D. 404
(C "A" H-262)

An Act To Align State Standards Pertaining to Food and Beverages outside of the School Lunch Program to Federal Standards

H.P. 398 L.D. 505
(C "A" H-297)

An Act To Prevent the Disclosure of Student Social Security Numbers

H.P. 399 L.D. 506
(C "A" H-292)

An Act To Improve Awareness of Smoking Policies in Maine Rental Housing

H.P. 802 L.D. 1067
(C "A" H-276)

An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone

H.P. 435 L.D. 552
(C "A" H-305)

An Act To Modify the Requirement To Replace Trees Cut Down in Violation of Local Laws

H.P. 820 L.D. 1108
(C "A" H-275)

An Act Regarding Retention and Graduation Rates for Maine's Colleges and Universities

S.P. 156 L.D. 564
(S "A" S-144 to C "A" S-74)

An Act To Exempt Employers Subject to Federally Mandated Drug and Alcohol Programs from Maine Substance Abuse Program Laws

H.P. 932 L.D. 1241
(C "A" H-287)

An Act To Repeal the Laws Governing the Capital Investment Fund

S.P. 173 L.D. 581
(H "A" H-295)

An Act To Increase Efficiency of the State Court Library Committee

H.P. 935 L.D. 1276

An Act To Protect Animal Cruelty Investigations

H.P. 482 L.D. 652
(C "A" H-260)

An Act To Establish an Integrated Statewide System To Manage and Enforce Electronic Warrants

H.P. 961 L.D. 1315

An Act To Prevent HIV Transmission from a Pregnant Mother to a Child

H.P. 532 L.D. 702
(C "A" H-283)

An Act To Repeal the Law Regarding DNA Collection

H.P. 964 L.D. 1318

An Act To Limit Interest Assessed against Municipalities

H.P. 984 L.D. 1343
(C "A" H-323)

An Act To Reduce Fines for Certain Trucking Violations

S.P. 211 L.D. 722
(C "A" S-114)

An Act To Protect Seniors and Incapacitated or Dependent Adults from Abuse

H.P. 1013 L.D. 1374

An Act To Amend and Clarify Certain Portions of the Dental Practice Laws

H.P. 574 L.D. 767

An Act To Restore Exemptions in the Natural Resources Protection Act

H.P. 1020 L.D. 1387
(C "A" H-317)

An Act To Provide a Temporary License To Operate a Public Dance Establishment

H.P. 645 L.D. 878
(C "A" H-299)

An Act To Amend the Laws Governing Prescription Monitoring Information

H.P. 1050 L.D. 1429

An Act To Change the Coyote Night Hunting Law

H.P. 687 L.D. 927
(H "A" H-290 to C "A" H-246)

An Act To Adopt the Interstate Prescription Monitoring Program Compact

H.P. 1056 L.D. 1435

An Act To Amend the Laws Governing Comprehensive Planning To Encourage the Development of Affordable Housing

H.P. 743 L.D. 1007
(C "A" H-320)

An Act To Amend the Charter of the Sanford Sewerage District

S.P. 464 L.D. 1483
(C "A" S-140)

An Act To Authorize the Board of Licensure of Podiatric Medicine and the State Board of Veterinary Medicine To Establish a Podiatrist Health Program and a Veterinarian Health Program

H.P. 759 L.D. 1023
(C "A" H-285)

An Act To Amend the Laws Concerning the Child Care Advisory Council and the Maine Children's Growth Council

H.P. 1093 L.D. 1486

An Act To Increase the Transparency of the Unemployment Compensation Fund

H.P. 792 L.D. 1057
(C "A" H-286)

An Act To Enhance Enforcement of Fish and Game Laws By Authorizing Maine To Enter into an Interstate Wildlife Violator Compact

H.P. 1112 L.D. 1509

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

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

An Act To Help Maine's Employers To Recruit Skilled Workers by Expanding the Availability of the Educational Opportunity Tax Credit

H.P. 872 L.D. 1174
(C "A" H-267)

An Act To Repeal the Alternative Minimum Tax
H.P. 633 L.D. 836
(C "A" H-154)

On motion by Senator **ROSEN** of Hancock, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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

An Act To Improve the Maine Seed Capital Tax Credit
H.P. 14 L.D. 22
(C "A" H-217)

An Act To Make Certain Synthetic Cannabinoids Illegal
H.P. 673 L.D. 914
(C "A" H-293)

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

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

An Act To Amend the Laws Governing County Jail Budgeting for York County

H.P. 70 L.D. 82
(C "A" H-289)

An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles

H.P. 710 L.D. 966
(C "A" H-254)

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

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

An Act To Eliminate the Restriction on Net Operating Loss Carry-forwards

H.P. 123 L.D. 140
(C "A" H-255)

An Act To Amend the Motor Vehicle Laws
H.P. 835 L.D. 1123
(C "A" H-291)

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

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

An Act To Reduce Deer Predation

H.P. 298 L.D. 372
(C "A" H-311)

An Act To Provide a Sales Tax Holiday
H.P. 1017 L.D. 1384
(C "A" H-288)

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

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

An Act To Reduce Certain Highway Fund Obligations
H.P. 364 L.D. 471
(C "A" H-280)

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Help Maine's Employers To Recruit Skilled Workers by Expanding the Availability of the Educational Opportunity Tax Credit

H.P. 872 L.D. 1174
(C "A" H-267)

Tabled - May 26, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-267)** in concurrence.)

(In House, May 26, 2011, **PASSED TO BE ENACTED.**)

On motion by Senator **ALFOND** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

ENACTORS

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

Resolves

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Criteria for Identifying Invasive Terrestrial Plants

H.P. 159 L.D. 182
(C "A" H-259)

Resolve, To Review the Laws Governing Slaughterhouses

H.P. 682 L.D. 922
(H "A" H-270 to C "A" H-114)

Resolve, Requiring the Department of Health and Human Services To Conduct a Review of Medicaid "Any Willing Provider" Requirements

H.P. 693 L.D. 933
(C "A" H-284)

Resolve, To Encourage State Agencies To Limit Their Use of Social Security Numbers

H.P. 744 L.D. 1008
(C "A" H-303)

Resolve, To Encourage Reciprocity between Maine and New Hampshire in the Reporting of Rabies Vaccinations by Veterinarians

S.P. 406 L.D. 1309
(C "A" S-141)

Resolve, Directing the Commissioner of Marine Resources To Contract for an Independent Analysis of the Limited Entry Lobster License System

H.P. 1124 L.D. 1532
(C "A" H-278)

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

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:

Act

An Act Regarding Timber Harvesting on State Land
S.P. 102 L.D. 340

On motion by Senator **JACKSON** of Aroostook, 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 (#121)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: HASTINGS, PLOWMAN, SNOWE-MELLO

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Law Governing Municipal Disbursement Warrants"

H.P. 226 L.D. 278

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-367)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367)**.

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

READ ONCE.

Committee Amendment "A" (H-367) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Maine Administrative Procedure Act"

H.P. 1036 L.D. 1410

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-368)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-368)**.

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

READ ONCE.

Committee Amendment "A" (H-368) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Requirements Concerning Restroom Facilities for Small Restaurants with Dual Liquor Licenses"
H.P. 997 L.D. 1358

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-366)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-366)**.

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

READ ONCE.

Committee Amendment "A" (H-366) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Proper Health Information Management"

H.P. 466 L.D. 636

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

Signed:

Senators:

McCORMICK of Kennebec
CRAVEN of Androscoggin
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland
EVES of North Berwick
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
PETERSON of Rumford
SANDERSON of Chelsea
SIROCKI of Scarborough
STUCKEY of Portland

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

Signed:

Representative:

SANBORN of Gorham

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

Reports **READ**.

On motion by Senator **MCCORMICK** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, 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:

Act

An Act To Provide for Equal Rights of Appeal for the State and Defendants Concerning Post-judgment DNA Analysis
H.P. 299 L.D. 373
(C "A" H-269)

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Expand the Availability of Natural Gas to the Citizens of Maine"
S.P. 324 L.D. 1091

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-178)**.

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

READ ONCE.

Committee Amendment "A" (S-178) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HASTINGS for the Committee on **JUDICIARY** on Bill "An Act To Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential"
S.P. 189 L.D. 609

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-179)**.

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

READ ONCE.

Committee Amendment "A" (S-179) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator THOMAS for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Concerning the Recording of Plans for Subdivisions"
S.P. 447 L.D. 1460

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-175)**.

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

READ ONCE.

Committee Amendment "A" (S-175) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator FARNHAM for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Make Municipal Recounts Consistent with State Recounts"
S.P. 343 L.D. 1134

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

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

READ ONCE.

Committee Amendment "A" (S-176) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

ENACTORS

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

Emergency Measure

An Act To Modify the Laws Regarding Status as an Independent Contractor

S.P. 437 L.D. 1420
(C "A" S-150)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and was signed by the President.

(See action later today.)

Acts

An Act To Amend the Laws Governing the Maine Health Data Organization Relating to Retail Pharmacies

S.P. 164 L.D. 572
(C "A" S-138)

An Act To Require the Treasurer of State To Publish All State Liabilities

S.P. 258 L.D. 854
(C "A" S-148)

An Act To Establish the Maine Wild Mushroom Harvesting Certification Program

S.P. 436 L.D. 1407
(C "A" S-149)

An Act To Provide That Private Transfer Fee Obligations on Real Property Are Void and Unenforceable

S.P. 463 L.D. 1482

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

An Act To Amend the Sales and Use Tax Exemption for Aircraft

S.P. 292 L.D. 946
(C "A" S-155)

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **PLOWMAN** of Penobscot, the Senate **RECONSIDERED** whereby it **ENACTED** the following:

Emergency Measure

An Act To Modify the Laws Regarding Status as an Independent Contractor

S.P. 437 L.D. 1420
(C "A" S-150)

(In House, May 26, 2011, **PASSED TO BE ENACTED**.)

(In Senate, May 26, 2011, **PASSED TO BE ENACTED**, in concurrence.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/13/11) Assigned matter:

HOUSE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure That Children's Products Are Free of Cadmium"

H.P. 385 L.D. 492

Report - **REFER** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**

Tabled - April 13, 2011, by Senator **SAVIELLO** of Franklin

Pending - **ACCEPTANCE OF REPORT**

(In House, April 12, 2011, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**.)

(In Senate, April 13, 2011, Report **READ**.)

Senator **SAVIELLO** of Franklin moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

Senator **SAVIELLO:** Thank you Mr. President. Very briefly to everybody, this bill was put in prior to the rework of the Kids Safe Act. This will be covered under the Kids Safe Act. One of the reasons we introduced and passed that legislation was to prevent, as my good friend the old Representative Daigle said, the chemical of the day. There is a process involved. We will see that when it comes on 11/29. Thanks to the good Senator from Sagadahoc, Senator Goodall, and Representative Hamper we

have an excellent will that we will be able to vote on later in the session. Thank you very much, Mr. President.

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

On motion by Senator **SAVIELLO** of Franklin, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/25/11) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State, Attorney General, Treasurer of State and State Auditor

S.P. 504 L.D. 1572

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-153)** (2 members)

Tabled - May 25, 2011, by Senator **SULLIVAN** of York

Pending - motion by Senator **THOMAS** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

(In Senate, May 25, 2011, Reports **READ**.)

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I'm concerned about this bill for a couple of reasons. The number one reason, probably, is the fact that we would be adding four more statewide elections to the state. People are tired of elections. It's a lot of extra money. There is no way to really vet these people who decide to run. If somebody decides to run for Secretary of State and they happen to have the right amount of money or the right whatever. I shouldn't have used Secretary of State because I happen to think the Secretary of State Summers is very nice. I just used that one. Do not read anything into it. We have a situation where we are running elections and the Legislature, with whom they are going to work, have no way to vet that. As it is now, the Legislature elects them so you get a chance, each party or however you do it, to do that. That's not true if we go to a general election. We also sort of come to the situation where it is possible to have Constitutional Officers not in sync with either the Legislature or the second floor. That can become a problem. We talked about this often time, making the process more effective. If you have every piece, the

second floor and the third floor plus all of the Constitutional Officers, without a connection to one of those two, we have a real problem. We have more people we're trying to please to get more things together. The biggest concern is the price of running elections statewide. Do they become part of clean elections? Do they not? There are a lot of issues to work out. I think that's why you'll see the majority of the people felt that way. We felt very strongly that there were too many questions to be answered before we change that. Hopefully I won't have to stand up again and I want to go home. Thank you.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, first of all let me say that the amendment takes out the State Auditor. There will be just three statewide elections. We had this bill once before. It wasn't a Constitutional Amendment and it got killed. We brought back the one that is a Constitutional Amendment to the committee and we worked it there in the committee and we bring it back to you. Most states do elect the Attorney General and they've had good luck with it. I don't think any of them would want to go back to having that Attorney General selected any other way. This doesn't remove the qualifications. The Attorney General would still have to meet the same qualifications. I believe the Secretary of State and the Treasurer would also have to meet the same qualifications. I think those office's qualifications are minimal. We have a long tradition of electing sheriffs in Maine. It's worked well. The sheriff is accountable to the people. I think that the Attorney General, the Secretary of State, and the State Treasurer shouldn't be accountable to any of us before they are accountable to the people. I think they should be accountable to the people first. This bill was brought forward. There are a number of us who think it's a good bill. Take a good look at it. Thank you.

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

Senator **PLOWMAN:** Thank you Mr. President. I sponsored this bill. I sponsored it in the Minority and now I sponsor it in the Majority. It enjoyed a bi-partisan sponsorship. We are the only state that elects Constitutional Officers in this manner. I believe that there needs to be greater accountability. I can't think of greater accountability than to add more checks and balances into the system by putting the people here. I'm not worried about people matching up with the current Executive Branch or the current Legislative Branch. I think it's ideal to have as many checks and balances in the democracy as possible. I would urge you to vote to send this out to the people so that they can make up their minds how they would like the officers to be chosen. Thank you.

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.

At the request of Senator **SULLIVAN** of York, Reports **READ**.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Thomas to Accept the Minority 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 (#122)

YEAS: Senators: BARTLETT, COURTNEY, FARNHAM, GOODALL, HASTINGS, HILL, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BRANNIGAN, COLLINS, CRAVEN, DIAMOND, DILL, GERZOFISKY, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **THOMAS** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-153) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/25/11) Assigned matter:

Bill "An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements" (EMERGENCY)
H.P. 105 L.D. 123

Tabled - May 25, 2011, by Senator **COURTNEY** of York

Pending - **PASSAGE TO BE ENGROSSED**, in **NON-CONCURRENCE**

(In House, May 23, 2011, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 25, 2011, **READ A SECOND TIME**. Senate Amendment "A" (S-163) **READ**. Motion by Senator **WHITTEMORE** of Somerset, under unanimous consent on behalf of Senator **MASON** of Androscoggin, to **ADOPT** Senate Amendment "A" (S-163) **FAILED**.)

Senator **TRAHAN** of Lincoln moved the Senate **RECONSIDER** whereby it **FAILED** to **ADOPT** Senate Amendment "A" (S-163).

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#123)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **TRAHAN** of Lincoln to **RECONSIDER** whereby the Senate **FAILED** to **ADOPT** Senate Amendment "A" (S-163), **PREVAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#124)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, LANGLEY, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **ADOPT** Senate Amendment "A" (S-163) to Committee Amendment "A", **PREVAILED**.

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

Senator **BARTLETT:** Thank you Mr. President. Before I proceed I just want one more opportunity to lay out the case for opposing this bill. We talked a little bit in the last debate about other incidents around the country, in particular one at an establishment

called The Station in Rhode Island in 2003. That nightclub had a band there who did not have permission by the owner to use some pyrotechnics and they used them. That led to a fire that killed 100 people and sent an additional 200 people to the hospital with injuries. That was not the worst nightclub incident in American history. It was the fourth. An interesting fact about that incident is that there was a reporter there covering nightclub safety because just a few nights earlier, in Chicago, there had been another incident where people were killed trying to get out of a nightclub. After the accident a study was conducted by the National Institute of Standards and Technology. They concluded that had a sprinkler system been in place it would have contained the fire long enough that people could have escaped safely. One hundred people didn't have to die that night had there been a sprinkler system. Why didn't they have a sprinkler system? The nightclub owners thought they fell under an exception to the sprinkler law. What we are talking about here is making establishments exempt not based on their size, not based on the level of risk, but purely on the number of days they are opened. You could have a nightclub with a stage and live entertainment, but as long as they are opened 50 days a year they could have 300 or 400 people packed into the place with bands that may not follow the rules, with customers that may not follow the rules while they are drinking, and have a fire where 100, 200, or 300 people are killed. If this were based on the level of risk it might make some sense. We're talking about potentially large establishments with a lot of people. I can't imagine any worse message that could come out of the state of Maine than to have 100, 200, or 300 people killed because we let folks off the hook during our busiest tourist season by not requiring them to have sprinklers. It's not hard to imagine a situation where you could have that kind of club in Maine, opened Thursday, Friday, and Saturday for 12 weeks. The busiest 12 weeks in the Summer. They could be packing in 300 people a night and they wouldn't have to have a sprinkler system. If we're going to provide exceptions let's do it based on the level of risk and not put so many people in jeopardy. We've seen the tragedy that can happen. We know that sprinklers can give people time to get out of even these tight nightclubs. Let's not roll back the clock. Thank you, Mr. President.

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

Senate at Ease.

Senate called to order by the President.

Senator **BARTLETT** of Cumberland requested and received leave of the Senate to withdraw his request for a Roll Call.

THE PRESIDENT: The Chair would advise members of the Senate that the previous action whereby we held a roll call on adopting Senate Amendment "A" (S-163) to Committee Amendment "A" was in error. In fact, there is no Committee Amendment. The motion made by the Senator from Androscoggin, Senator Mason, was correct. He offered a motion

to amend the bill. The Chair misspoke in taking that to the next step when I inserted the words "to Committee Amendment "A". The appropriate motion at this point is now the pending motion of the Androscoggin, Senator Mason, to adopt Senate Amendment "A" (S-163) to L.D. 123.

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

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, it seems as though this debate has become about the Station nightclub fire. I'd just like to point out a couple of things about that fire. Two things actually. On the night of the fire the band that was performing was not even supposed to have pyrotechnics in the building. They disobeyed that. The second was that most of the exits in that building were blocked, which they were not supposed to be. This bill is about 50 nights a year. That's less than one day a week. I don't know how many nightclubs you know, but I don't see many that are open only one day a week. On the second side of this, this is about a \$35,000 cost to small businesses that have to install a sprinkler system. They can't survive that cost. It would take them years to make it up. It just doesn't make fiscal sense. Thank you, Mr. President.

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

Senator **BARTLETT:** Thank you Mr. President. I think the prior speaker made my point in the initial remarks. The band did not have permission. The owners were attempting to do things properly by saying they were not going to have pyrotechnics or other things at that establishment that doesn't have sprinklers. Things happen and that's the problem. Everything may be well intentioned. They may have the best intentioned owners in the world, but they have a band in there one night doing something inappropriate and you have 100 people dead. That's a huge burden to have on our shoulders if we pass this bill. Secondly, 50 nights a year is very imaginable if you look at the time between Memorial Day and Labor Day. Imagine somebody coming in, renting a space in a resort community in the state of Maine, opening it Thursday, Friday and Saturday nights for the 12 busiest weeks in the Summer, and bring in bands to play and packing in 100, 200, or however many they want. They don't need the sprinklers or to worry about that. Just to rent a space and pack people in. That's a huge danger. If we want to make an exception for some particular business, which I still don't know what this particular business is, let's do it based on the level of risk. If what we're concerned about is some very small restaurant that's opened one day a week during the year then let's deal with that and figure out a way to do it that is safe. To provide this blanket exception just opens the door for some tragedy to happen and that would be on our watch if we pass this bill. Thank you, Mr. President.

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

Senator **ALFOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, I just have one quick comment. Yesterday I spoke about owning a bowling alley with a restaurant, a bar, and a kitchen. I talked about how at that bowling alley we have sprinklers, thankfully. We have lots of sprinklers. The good Senator from York got up and said, "You know, that's crazy, that's a crazy rule and regulation." That might be something that he doesn't agree with, but with those sprinklers I sleep very well at night. Every single night I sleep very well knowing that if something tragic happens, whether I'm not there or if I'm there, there are sprinklers there. I'm open 365 days a year. We're talking about something, like the previous speaker from Cumberland said, for 50 nights during the year. That is a lot of time. I really am shocked that we would be potentially doing something that could possibly have the effect like something that happened in Rhode Island or in Chicago. I really don't want to see a newspaper from somewhere in Maine having something as disastrous as what has happened in other states. 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, in 1980 in a small town in Vermont, not that far from here, I had a furniture company. Big brick building built in the 1800's. One afternoon I had a compressor that shorted out next to the finishing room. That building went up like a Roman candle and I was caught in it. You might notice I wear cowboy boots every day to work. If you look at my ankles you'll see some skin graphs. None of my employees got seriously injured, but my building got destroyed. When we went to rebuild it, of course we put on a roof to prevent the rain from coming in, we got all our machinery oiled up so it didn't rust too much, and before we put the windows back in that building I had a sprinkler system put in. When we discussed this bill in committee I kept thinking of an entertainment place or a restaurant only open a few days out of the year. I've lived through this. I saved the money on that sprinkler system in four years with the reduction in my insurance premiums. I was a small company. It was very hard for me to pay for that sprinkler system to be put in, but nobody else was ever burnt in that building. I even had a sprinkler system put in my sawdust sheds outside. I thought that was going to be terribly expensive because of freezing weather in the wintertime. That was one of the cheapest parts of it because there are much cheaper ways to sprinkle buildings. You can use chemicals. You can use other things besides pressured water. Let me tell you, ladies and gentlemen, the fire department had to come in that building, not knowing the chemicals that I had in my finishing rooms and not knowing the combustion of the sawdust that had collected over the years, similar to a restaurant kitchen that accumulates different greases over the years of use, even if it's only one day a week.

I take this bill very seriously now because I've listened to the debate on it, and we've had plenty of it. I started off by saying, "Oops, I made a mistake last January." I took a look at a bill and I thought, "What harm could this possibly do? A business that might be opened one day a week." You don't know if the fire's going to happen that one day. You don't know if you're going to wish to heck you had some water coming down to help you out that one day. You don't know if that fire department is going to be called that one day. The darnedest things, when you have an

emergency you can't really plan for them, but if you have a sprinkler system in that building you're covered. You do have some protection. Of course, if I had known that on November 4, 1980 I was going to have a fire, first of all, I wouldn't have been there and neither would my workers. We wouldn't have gone through it, but you can't really plan what day it's going to happen. The fire departments came in, they said, "This is very important to saving people's lives and their property." Don't forget, when the building burns, the property goes with it. If you've got a sprinkler system in your building you're going to save your property, in all likelihood. You're going to save people's lives, in all likelihood. If you're going to install a sprinkler system then your insurance company's going to give you better rates and you're going to save back that investment. That's been proven all over the country and here in Maine. If you have a building that's open to the public and you do not have a sprinkler system and you put one in, I'll guarantee you that the insurance premium is going to be lower because you're protecting your property, your lives, your building, and your community. I didn't want to get up today and talk about the scars that are under my cowboy boots, but let's prevent them from being under other peoples, because you don't know when you're going to have the emergency. If you did we'd never lose anything. Thank you very much, Mr. President.

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

Senator **THOMAS**: Thank you Mr. President. Ladies and gentlemen of the Senate, I have a business in my district that this would apply to. It's a well-constructed restaurant, dancehall. It's on the way to Moosehead. It was built in the early 1970's. It's a great place to go and eat. If you are ever in Abbot stop on Route 15. It has huge exits. I've eaten there many times. None of those exits are ever chained or blocked. The kitchen is in an L. This business has been struggling for years and years. It was closed for a year or two because there just isn't business enough so it can stay open. They are trying to keep it open enough now so they can sell it. This bill will allow them to keep that open enough so they can sell it. If they decide to operate more than 50 times a year, the new buyers, then they would have to put in a sprinkler system. Believe me, I would not hesitate to go there for dinner tomorrow, if it were open, because there are huge exits. There are four of them. The kitchen is in the L. It's way off at one end. Without this bill I don't know what those owners will do because I don't know how they can afford to put a sprinkler system in that building. They've had it on the market for years, trying to get their money back. We really need this business in our area. It attracts people to go and eat. It's a great place to stop. During hunting season it's really a busy place. I would invite anyone to come visit this business, see if you were to say it was unsafe. I heard a comment about best intentions in one of the places where a lot of people lost their lives. I don't see how chaining the exits, or blocking the exits closed, is best intentions by any stretch of the imagination. Thank you.

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I would just say that I'm that 50 days would be a seasonal establishment. If these seasonal establishments are for what days we consider during the

Summer, 50 is going to be most of the Summer in some places in Maine. It seems like a lot of things that are open only during the Summer would fall under this. I'm concerned about that. I went to a meeting with the fireman's association. They talked, and I won't say the exact numbers, about what it costs to get sprinklers now. A lot of private homeowners, which made me sit up and listen, are actually putting sprinklers over their woodstoves. Just one sprinkler. I thought what a great idea this would be. I have a woodstove, a wood boiler. They talked about what a low cost it was. I'm not saying that these bigger establishments wouldn't have a significant cost, but with the reduction in the insurance, which everyone knows it the case when you get sprinklers, I would think that over some time they'd recoup that. The one thing that I would be curious, I don't see it in this bill and I would certainly like to know because I have been at major concerts and sporting events where the buildings, I'm sure, had sprinkler systems. You get in there with a lot of people and your mind starts to race about what happens if there is a fire or whatever. Your nerves start to bother you a little bit. I was wondering about this bill, is there going to be anything that would say in these buildings that this is not a sprinkler system building or something like that? I don't think, as in the case that the Senator from Somerset just brought up, it would make a difference to me, but some of these places where there might be sporting events or concerts or whatever that aren't going to have sprinklers, I certainly would like to know that when I'm there. It would make a difference for me. Maybe my mind would race or whatever, but I think it would make a difference for a lot of people. They would be concerned that they were in a place that they are not sure if they were going to be able to get out if there was a fire and there was no sprinkler system. At best, I would hope that somebody would come up with some solution so at least the public would know they are not in a place or establishment that does not have a sprinkler system.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, in August 2001, at the very end of it, on either the 30th or 31st, I was in my schoolroom getting ready for the joy of September and we had an announcement come over that said that anybody that needed to travel home via the Congregational Church at the corner of Beech Street and Main Street in Saco should avoid it. The church was on fire. The church was on fire but, thank God, no one was in it. Somebody had come, we was having some work done on the outside. We had a contract. It was well insured. In the contract it was that no one would smoke at the site, because it was a very old church and they knew there were a lot of flammable materials in that church and on the outside. Somebody did smoke. It was one quick spark. By 11 o'clock, I stood there in tears because the church that I was baptized in, married in the first time, and my parents had been buried from actually was nothing but embers. We had probably 20 stained glass windows. We had just had them retrofitted at \$10,000 a piece. It took us over five years. Had there been people in that church, there was no way you could have gotten out some of those elderly people. No way could you have done that. Slate roof, which was beautiful, actually contained the fire inside more. I don't see it as a financial issue. Life is quick. You're standing there and you watch your church go down because somebody had a cigarette, against the contract. He was

badly burned and people were very angry at him. I can recall the minister going back. On Sunday we met at Thornton Academy, in the auditorium. That was our church for almost four years. Our minister said that he had gone in and that we needed to get past blaming this man who broke the law because he was more broken than we were. It taught me a lot about Christianity, I suppose. That church was gone. What if it had been filled with children, on a children's Sunday? I started thinking back. The church itself is used maybe 50 times a year because one month of the year we share services with the Baptist Church. It could have been possible that not the parish hall but the church would have only been open about 50 times a year. I think we need to really consider this. Church is listed in this bill. Thank you.

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, the reason this bill is before us is because for the last 40 years places like this have been grandfathered. They have not burned down. They have had hundreds of people. They have not died. They have gone on doing business as usual with a date set for this grandfathering to come to a close. We have a fire code. Every single one of these establishments is inspected for the fire code. They must have effective egress. They must have fire suppression systems in their kitchens, that would be where the fire you are all talking about would probably start. If you've ever seen one of those go off by accident, it will ruin your day. If it goes on for a good reason, it will save the day. You have to have one. You have to have fire extinguishers. They must be active and new and they must be placed in the appropriate place in order for the fire inspector to come in and give you your certificate. You cannot have more people than are allowed. You will see that the bill actually defines how many people are allowed, not based on whether they have a sprinkler system or not but based on the square footage and what is appropriate for these people to be there, keeping in mind that this footage will also demand the egress, the fire extinguishers, and all of the other safety features that must be provided in order to receive your certificate from the fire marshal's office. These have to be done on a regular basis. You get a check list. You must follow up on the check list. You must not break any of the laws. Today none of those places are breaking the law. None of them. They are all assuming the responsibility currently placed by the State on the establishment. The fact is the law will be about ready to change. When this hits it is an undue burden, financially, for this to happen. I will tell you, if they want to they could chain the door shut, use old fire extinguishers, overload the place, and have inappropriate behavior going on. They have control over this, by the way. Every business has a management team and they can ask persons who are not complying to be removed. The only difference is right now there is a deadline coming up, but these people have never broken the law. They have not hurt anyone. The action here is to somehow make them wrong-doers, which they have never been before. I think that their past record should reflect how well they have handled the situation. Sprinklers are a great way of doing things, but they are part of the fire code; not the end-all and not the beginning. If you have sprinklers I guarantee you they will not shut down an oil fire in your kitchen. It doesn't do any good. In fact, if you've ever thrown water on an oil fire in your kitchen I don't have to explain to you what happens. It's part of a series of things that we have

set for public policy. I don't see where we need to go and be as harsh on people who have proven themselves for the last 40 years because of the most horrific fire that we could think of, where everything possible went wrong, mostly because nobody followed up in doing the job that were supposed to do, which was protecting the citizens of that state by inspecting and following through and doing what was necessary. That's not how it works in Maine. I'm very proud of that and I think this bill is very reasonable. Thank you.

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

Senator **CRAVEN:** Thank you Mr. President. May I ask three questions through the Chair?

THE PRESIDENT: The Senator may pose her questions.

Senator **CRAVEN:** Thank you Mr. President. My first question is; how many facilities does this law cover? If it's only one, is this unusual for the Legislature to be legislating for one facility? Also are there going to be new construction and other reconstruction included in allowing people to open up businesses without sprinklers in the future? Thank you, Mr. President.

THE PRESIDENT: The Senator from Androscoggin, Senator Craven poses several questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you Mr. President. Any new construction must have a sprinkler system in it.

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

Senator **WHITTEMORE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to bring to your attention something that we might be overlooking here. Most of these businesses, I'm sure, that we are talking about are very rural. The cost of the sprinkler system that's been quoted assumes that you have water available and water pressure. If you don't have water pressure and water available you have to provide that. I'm sure that the cost of putting in a system, if you've got to have a generator large enough to pump water into some sort of a storage tank facility, the cost could at least double, if not be higher than that. I just wanted you to be aware of that. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Mason to Adopt Senate Amendment "A" (S-163). 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 (#125)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, HILL, HOBBS, JACKSON, LANGLEY, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **ADOPT** Senate Amendment "A" (S-163), **PREVAILED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-163), in NON-CONCURRENCE.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (5/25/11) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the House of Representatives
H.P. 33 L.D. 40
(C "A" H-198)

Tabled - May 25, 2011, by Senator **COURTNEY** of York

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED, in NON-CONCURRENCE**

(In House, May 23, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 25, 2011, **READ A SECOND TIME**.)

On motion by Senator **DILL** of Cumberland, Senate Amendment "C" (S-169) **READ.**

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

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, very briefly. We heard some very compelling arguments as to why it's a good idea to ask the citizens of the state whether or not it's time, after all these years, to reduce the House of Representatives from 151 to 131. What's good for the goose is

good for the gander. This amendment simply adds an additional question as to whether or not it is time reduce the size of this Body. Senate Amendment "C" simply adds a provision that would include this Body on a referendum question. The reduction in the number of seats in this Body would be either to 31 or 33. That would be determined by the Apportionment Commission that will be convened shortly. We passed L.D. 40, this amendment includes the Senate. It adds additional savings and I encourage and urge you to support it. Thank you.

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

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, May 32, 2011, at 10:00 in the morning.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I rise in support of the proposed amendment. When I found out that I had put in an amendment to reduce the size of the Senate and the good Senator from Cumberland had done that, I thought it would be best if we channeled our efforts together so that we could give the House a true opportunity to have the option to reduce the size of the Legislature. Thank you, Mr. President.

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

Senator **SULLIVAN:** Thank you Mr. President. May I pose a question?

THE PRESIDENT: The Senator may pose her question.

Senator **SULLIVAN:** Thank you Mr. President. This bill in front of us, L.D. 40, is a Constitutional requirement. It's my understanding to lower the size of the Senate to 31 or 33 would not require a Constitutional vote. Therefore, can the two be meshed into something that requires a Constitutional vote?

THE PRESIDENT: The Senator from York, Senator Sullivan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Dill.

Senator **DILL:** Thank you Mr. President. Thank you for that excellent question. The Constitution, Article 4 Part 2nd Section 1, states that the Senate shall consist of an odd number of Senators, not less than 31 or more than 35. This amendment would, in fact, seek a change in the Constitution to not more than 33. The answer to the question is yes.

On motion by Senator **DILL** of Cumberland, Senate Amendment "C" (S-169) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-169), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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