

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

In Senate Chamber
Wednesday
June 1, 2011

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

Prayer by Major Richard Bach, Chaplain 101st Air Refueling Wing, Maine Air National Guard, Bangor.

CHAPLAIN BACH: Thank you for the gracious opportunity you've given me to begin your sacred civil responsibilities with prayer. Mainers, or as we in the 101st Air Refueling Wing say Maniacs, usually do an admirable job integrating our faith with our daily life. I think that is why we're known around the world for our strong work ethic. Speaking of integrating our faith, I recently heard a story of a nun who was living in a convent next to a construction site. She noticed the course, colorful language of many of the workers and determined they must be from away. She decided to spend some time with them to correct their ways. She planned to take her lunch, sit with the workers, and talk with them. She put her sandwich in a brown bag and walked over to the spot where the men were eating their lunch. Sporting a big smile, she walked up to the group and asked, "Do you men know Jesus Christ?" They shook their heads and looked at each other, very confused. One of the workers looked up into the steelworks and yelled out, "Anybody up there know Jesus Christ?" One of the steelworkers yelled down, "Why?" The worker yelled back, "Because his wife is here with his lunch." Thank God for Maine's rich religious heritage. On that note, please let me quickly turn to prayer.

Almighty God, today we offer our gratitude for all the men and women who have served this great country in defense of freedom. For their sacrifice of time, talent, and life, we pay them homage. Teach us to be wise in the ways that exalt truth, fidelity, and honor. Instill within us a passion for human service and an ambition to contribute to the greater good of our state. May right and justice ever be cornerstones of our free society. Be with these Senators, oh Lord. Give them courage to face the truth, prudence to make sound judgments, and a willingness to work for a just government. We pray now for the sons and daughters of Maine, who are serving in hostile lands against our nation's enemies. Find them and shelter them with Your protection and love. We lift up these petitions in Your holy and precious name. Amen.

Pledge of Allegiance led by Senator Troy D. Jackson of Aroostook County.

Reading of the Journal of Tuesday, May 31, 2011.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Allow a Tax Credit for Tuition Paid to Private Schools" S.P. 325 L.D. 1092

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-60)** (8 members)

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

In Senate, May 3, 2011, Reports **READ**.

In Senate, May 25, 2011, motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**. Subsequently, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-60)**, in **NON-CONCURRENCE**.

Senator **TRAHAN** of Lincoln moved the Senate **RECEDE** and **CONCUR**.

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

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm really hoping that we can look back to what we did here as far as looking at the bigger picture. We are \$400 million short of funding K-12 currently. We are only paying 46% of our 55% that we told voters that we would pay for it. I think it's very unfortunate that we would somehow put this bill out there that would cost \$3.5 million over the biennium and allow parents, who make the choice to send their child to religious schools or to private schools, to gain a tax credit. I am really, really hoping that this Body will have cooler minds and will think about what this will do to all of our schools. All of our schools. This affects every single one of our schools. When dollars come out of our General Fund or our GPA that does not help our public schools. I think our religious schools and our private schools, I'm glad they exist, if they need to bring in more revenue, need to look at their business plans and figure out how to do that. Maybe they should create more fundraising opportunities. To ask the citizens of Maine to fund a tax credit, which will cost them \$3.5 million in a budget where we know we are \$400 million short, when we're getting pink slips all over our State, everyone of us is

losing good teachers, good administrators, and I really hope that we will reject the motion. Thank you, Mr. President.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I rise in support of this bill. I hope we can turn this around here today. I would just like to point out a couple of facts. In the Androscoggin County alone, seeing that this is the county that I represent, I can think off the top of my head of five private schools, three of which I know have had significant problems in their budgets because of the downturn that the economy is in right now. These people, who send their kids to private schools, pay their taxes, but they never take a dime out of the public education system. I agree with the Senator from Cumberland, Senator Alford, that funding is low. We definitely have a problem there, but can we imagine just for a second if just the schools in Androscoggin County closed. That's 1,000 kids who would be put into the public education system. Think about the hundreds of thousands of dollars that we would have to find somewhere to fund our public education system further. These people are doing us a favor and I think that it's only appropriate to allow them a tax credit to help them with their personal finances so that they can pay the tuition at their private school. Mr. President, I really hope that we can turn this around today. I would encourage everyone to follow my light. 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, those of us who don't have children also don't take a dime from public education. However, I as a citizen and somebody who pays taxes, do not believe that this is the time that we should be diluting, in particular, our rural public education dollars. If we put any more money into education we should be anteing up the amount that we are supposed to be paying towards our public education institutions. I think they are a little bit upset with us right now because we have not funded the full amount that we are supposed to and that we have promised. As we decreased those numbers, more pressure is put on the local municipalities and the school budgets to come up with the funds to fund public education. I think that they would see this as a complete slap in the face and I do not think that this is the right time to be diluting additional public dollar funds. I urge you to vote against the pending motion. Thank you.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I rise in opposition to this motion. Some would say that you would expect that. Actually later you will probably see me do something you won't expect as a public school teacher. However, I don't use the fire department. I pay local taxes in the city of Biddeford and I've never used the fire department. I hope I never have to use it. I've never used the ambulance. I hope I don't have to use it. I've never used many of the services. I had one child. I should pay for the education of that one child. Now I don't use it at all, so why should I pay for it? I pay for it because the government and this Constitution allows for a free public

education. K-12 free. We all pay taxes. Quite frankly, in some areas extremely high taxes goes to public schools. That's part of being a community. It's part of working together. It's part of what makes us a civilization, hopefully. I would question how you can say no to the very job we're supposed to do here with public education, not fund it adequately, put it back on the taxpayers and then turn around and say, "Oh we're going to give you a tax credit if you take your children and put them in a religious private school." I would also remind you, with the idea of this notion that they are doing us a favor, that we still provide transportation in many cases. More importantly, if those schools close for financial reasons, and by the way we have public schools closing for financial reasons, especially with consolidation, they are going to end up in our system anyways. I know that for a fact. We had three parochial schools in Biddeford. We have one now. Most private religious schools do not take special ed. My friends, if you are a taxpayer you are paying dearly in your public schools for the needs of special needs children. We need to really think about what we're doing. Our job here is to provide public financing of public's Constitutional right to public education. I would ask you to oppose this and go home and tell your taxpayers you voted for your municipalities. Thank you very much.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'd just like to do some quick math based on the good Senator from Androscoggin, Senator Mason. He said a thousand folks in Androscoggin County. In effect, you are buying them out. If tuition is \$1,000 or \$2,500 and they end up in the public school system at \$10,000 a head, you're talking \$10 million needed in the public school system. I think it's an easy buy out, for me, to spend \$1,000 to keep them where they are and save yourself \$9,000. There's going to be an impact if those schools close and move into the public school system. I've taught in the public school system all my life. One of the things it probably needs is a little bit of competition. There are some other bills that are coming down that may give them some of that competition. Just on the money alone, you can make a straight-faced argument that you are saving the State of Maine money. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I think one of the things we're all sent here to do is to look out for the Constitutional rights of our citizens. The importance of the separation between church and State is one of those. It was an important principle last week when we voted on this bill and I think it's an important principle this morning and it will probably be an important principle again this afternoon, when another bill comes before us. My wife and I were very unhappy with the Augusta school system at a certain point and looked around for alternatives. Even though we are Jewish, we considered actually sending our son to a Catholic school in Augusta because we thought that their educational programs were good and, in particular, that their discipline was better than the public schools. We didn't end up doing it, but that would have been our choice, as Jewish people, to have done that if we did. I just believe it's a slippery slope when we start directly subsidizing religious schools

or we start giving parents tax credits for sending their kids to religious schools. Although it may be for the best of motivations, as I think we're hearing here this morning, it's a line we shouldn't cross. I will be voting against the pending motion. Thank you.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today because last night I attended, as a citizen, just as many of us always do, our regional school unit budget district meeting. For the communities of Richmond, Dresden, Monmouth, Hallowell, and Farmingdale, we're being asked, as residents, to increase by \$700,000 our tax burden despite cutting the budget by \$300,000. That goes to exactly what the good Senator from Cumberland, Senator Alfond, was stating. It was due to us not being able to fund appropriately K-12 education. This is just another erosion and we need to make sure that we do everything we can to fund public education. We should not take steps backwards. This, in my opinion, is one of those steps. I also join to thank the good Senator from Kennebec for his explanation and concern with separation of church and State. Thank you, Mr. President.

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

Senator **ALFOND:** Thank you Mr. President. I also want to thank the good Senator from Kennebec for bringing it up. An issue that he did not raise, though, was the concept of oversight. As the Department of Education stated, we have no oversight of any of our religious schools or any of our private schools. That's where we'll be sending money, taxpayer money, to these schools and we have no idea of the results, the quality, or anything that really happens in their schools unless they are a town academy, which we get a little bit of information about. Again, I urge you all to oppose the motion before us. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Trahan to Recede and Concur. 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 (#136)

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

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, GOODALL, HILL, HOBBS, JACKSON, KATZ, LANGLEY, PATRICK, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SULLIVAN, WOODBURY

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **TRAHAN** of Lincoln to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **ALFOND** of Cumberland, the Senate **ADHERED**.

COMMUNICATIONS

The Following Communication: S.C. 408

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

May 31, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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

- | | |
|-----------|---|
| L.D. 828 | An Act To Amend the Maine Certificate of Need Act of 2002 for Nursing Facility Projects |
| L.D. 1106 | An Act To Lower the Cost of Health Care through Improved Energy Efficiency |

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

Sincerely,

S/Sen. Earle L. McCormick
Senate Chair

S/Rep. Meredith N. Strang Burgess
House Chair

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

The Following Communication: S.C. 409

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

May 26, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Senate at Ease.

Senate called to order by the President.

Dear President Raye and Speaker Nutting:

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

L.D. 1578 Resolve, Relating to the State Valuation of the Town of East Millinocket (EMERGENCY)

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

Sincerely,

S/Sen. A. David Trahan
Senate Chair

S/Rep. L. Gary Knight
House Chair

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

The Following Communication: H.C. 187

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

May 31, 2011

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
125th Maine Legislature
Augusta, Maine 04333

Dear Secretary Carleton:

The Speaker rescinded the appointment of Representative Peter B. Johnson of Greenville and appointed Representative David E. Richardson of Carmel to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Regarding the Attendance of Attorneys at Pupil Evaluation Team Meetings" (H.P. 822) (L.D. 1110).

Sincerely,

S/Heather J.R. Priest
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

ORDERS

Joint Resolution

On motion by Senator **COURTNEY** of York, under unanimous consent on behalf of President **RAYE** of Washington (Cosponsored by Speaker **NUTTING** of Oakland and Senators: **COLLINS** of York, **COURTNEY** of York, **CRAVEN** of Androscoggin, **FARNHAM** of Penobscot, **HASTINGS** of Oxford, **LANGLEY** of Hancock, **MARTIN** of Kennebec, **MASON** of Androscoggin, **PLOWMAN** of Penobscot, **RECTOR** of Knox, **ROSEN** of Hancock, **SAVIELLO** of Franklin, **SCHNEIDER** of Penobscot, **SHERMAN** of Aroostook, **SNOWE-MELLO** of Androscoggin, **THIBODEAU** of Waldo, **THOMAS** of Somerset, **TRAHAN** of Lincoln, **WHITTEMORE** of Somerset, Representatives: **BEAUDOIN** of Biddeford, **BEAULIEU** of Auburn, **BURNS** of Whiting, **CEBRA** of Naples, **CHASE** of Wells, **COTTA** of China, **CRAFTS** of Lisbon, **CURTIS** of Madison, **CUSHING** of Hampden, **DAVIS** of Sangerville, **FREDETTE** of Newport, **GUERIN** of Glenburn, **HARMON** of Palermo, **HARVELL** of Farmington, **KESCHL** of Belgrade, **KNAPP** of Gorham, **LIBBY** of Waterboro, **LONG** of Sherman, **MAKER** of Calais, **MAZUREK** of Rockland, **McCLELLAN** of Raymond, **McKANE** of Newcastle, **NEWENDYKE** of Litchfield, **OLSEN** of Phippsburg, **PARKER** of Veazie, **PARRY** of Arundel, **RICHARDSON** of Warren, **SANDERSON** of Chelsea, **SIROCKI** of Scarborough, **SOCTOMAH** of the Passamaquoddy Tribe, **STRANG BURGESS** of Cumberland, **TILTON** of Harrington, **TIMBERLAKE** of Turner, **TURNER** of Burlington, **VOLK** of Scarborough, **WINSOR** of Norway) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 513

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT A BALANCED BUDGET AMENDMENT

WE, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, controlling our debt and passing balanced budgets is a matter of great moral and economic significance; and

WHEREAS, since the year 2000 our national debt has more than doubled and the United States Government borrows on average \$5,000,000,000 for each business day; and

WHEREAS, the national debt on January 1, 1791 was \$75,000,000 and currently the national debt rises by that amount every hour; and

WHEREAS, our out-of-control debt not only endangers our standing as the leading economy in the world but was characterized as a national security threat by Secretary of State Hillary R. Clinton on September 8, 2010; and

WHEREAS, 49 of the 50 states are required by law to pass balanced budgets; and

WHEREAS, our nation's debt is being passed on to future generations, who have no say in the decision-making process; and

WHEREAS, passing our debt to the next generation is contradictory to the American principle of leaving our nation, states and local communities in better shape than we found them; now, therefore, be it

RESOLVED: That We, your Memorialists, in order to protect future generations, respectfully encourage the passage and adoption of a constitutional amendment to require a balanced budget except for times of war or national emergency or upon a two-thirds vote of both Houses of the United States Congress; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Facilitate Local Food Production"

H.P. 289 L.D. 363

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-346).**

Signed:

Senators:

SHERMAN of Aroostook
SCHNEIDER of Penobscot
THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou
BLACK of Wilton
CRAY of Palmyra

DILL of Old Town
FOSTER of Augusta
GIFFORD of Lincoln
KENT of Woolwich
McCABE of Skowhegan
TIMBERLAKE of Turner

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

Signed:

Representative:

O'BRIEN of Lincolnville

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

Reports **READ.**

Senator **SHERMAN** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE.**

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

Senator **SHERMAN:** Thank you Mr. President. This is a rather simple bill that sort of got waylaid. What it does is ask the Department of Agriculture to review laws that impact small scale food producers and small scale food producers only. They were supposed to report back to us. It also exempted apple cider and juice drinks that are more than 25% in volume from the provisions of beverage container law and exempting fruit and juice beverage produced in Maine by small agricultural producers from the provisions of the beverage container law. Milk and apple cider are already included in that. Have been for years. It just asks folks at small apple orchards and blueberries to be included also. Thank you, Mr. President.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **SHERMAN** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE.**

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Amount of Funds Available to Counties for Witness Fees and Prosecution Costs"

H.P. 892 L.D. 1201

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

Signed:

Senator:

GERZOFKY of Cumberland

Representatives:

PLUMMER of Windham
BLODGETT of Augusta
CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland
LAJOIE 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" (H-294)**.

Signed:

Senators:

MASON of Androscoggin
WHITTEMORE of Somerset

Representatives:

BURNS of Whiting
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Health of Maine Students"

H.P. 715 L.D. 971

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

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville
NELSON of Falmouth
RANKIN of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-372)**.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

EDGECOMB of Caribou
LOVEJOY of Portland
WAGNER of Lewiston

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Define Lienholder Rights under the Maine Tree Growth Tax Law" H.P. 168 L.D. 191

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

Signed:

Senator:

WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BERRY of Bowdoinham
BRYANT of Windham
HARMON of Palermo
PILON of Saco

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-377)**.

Signed:

Senator:

TRAHAN of Lincoln

Representatives:

BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
WATERHOUSE of Bridgton

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator **SHERMAN** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding Conveyance of Easements across Railroad Rights-of-way"
S.P. 147 L.D. 514

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-183)**.

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

READ ONCE.

Committee Amendment "A" (S-183) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **ROSEN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, Reauthorizing the Balance of the 2005 Maine Biomedical Research Fund and Marine Infrastructure and Technology Fund Bond Issues (EMERGENCY)
S.P. 86 L.D. 280

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-185)**.

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

READ ONCE.

Committee Amendment "A" (S-185) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **ROSEN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide Funding for the World Acadian Congress"
S.P. 157 L.D. 565

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-184)**.

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

READ ONCE.

Committee Amendment "A" (S-184) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **MASON** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing the Tax Assessment for Correctional Services in Lincoln County and Sagadahoc County"
S.P. 126 L.D. 422

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-209)**.

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

READ ONCE.

Committee Amendment "A" (S-209) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **MASON** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Strengthen Computer Privacy"
S.P. 405 L.D. 1308

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-208)**.

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

READ ONCE.

Committee Amendment "A" (S-208) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **LANGLEY** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Competitive Bidding for School Construction and Repair"
S.P. 110 L.D. 397

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-187)**.

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

READ ONCE.

Committee Amendment "A" (S-187) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Support and Encourage the Use of Online Textbooks"

S.P. 161 L.D. 569

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

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

READ ONCE.

Committee Amendment "A" (S-186) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Prohibit Electric Utilities from Entering into Long-term Supply Agreements"

S.P. 218 L.D. 729

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-193)**.

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

READ ONCE.

Committee Amendment "A" (S-193) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Protect Ratepayers While Enhancing Energy Independence and Security"

S.P. 231 L.D. 793

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-194)**.

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

READ ONCE.

Committee Amendment "A" (S-194) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Protect Consumer Information at the Efficiency Maine Trust"

S.P. 478 L.D. 1516

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-198)**.

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

READ ONCE.

Committee Amendment "A" (S-198) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the InforME Public Information Access Act"

S.P. 482 L.D. 1521

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-195)**.

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

READ ONCE.

Committee Amendment "A" (S-195) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator THIBODEAU for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Create the Nickerson Lake Sewer District"

S.P. 499 L.D. 1561

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-199)**.

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

READ ONCE.

Committee Amendment "A" (S-199) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator RECTOR for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing the Enforcement of Statewide Uniform Building Codes"

S.P. 374 L.D. 1253

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-210).**

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

READ ONCE.

Committee Amendment "A" (S-210) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SNOWE-MELLO for the Committee on **MARINE RESOURCES** on Bill "An Act To Amend the Department of Marine Resources' Administrative Suspension Process" S.P. 453 L.D. 1462

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

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

READ ONCE.

Committee Amendment "A" (S-190) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator THOMAS for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Prequalification Standards for Contractors" S.P. 318 L.D. 1085

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

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

READ ONCE.

Committee Amendment "A" (S-188) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator COLLINS for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws" S.P. 410 L.D. 1313

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-192).**

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

READ ONCE.

Committee Amendment "A" (S-192) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Offenses against an Unborn Child"

S.P. 454 L.D. 1463

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-207).**

Signed:

Senators:

MASON of Androscoggin
WHITTEMORE of Somerset

Representatives:

BURNS of Whiting
HANLEY of Gardiner
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

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

Signed:

Senator:

GERZOFKY of Cumberland

Representatives:

PLUMMER of Windham
BLODGETT of Augusta
CLARKE of Bath
HASKELL of Portland
LAJOIE of Lewiston

Reports **READ**.

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Requirements for Electric Transmission Lines"

S.P. 246 L.D. 802

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-197).**

Signed:

Senators:

THIBODEAU of Waldo
RECTOR of Knox

Representatives:

FITTS of Pittsfield
CRAY of Palmyra
DUNPHY of Embden
HAMPER of Oxford
LIBBY of Waterboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-196).**

Signed:

Senator:

BARTLETT of Cumberland

Representatives:

BEAVERS of South Berwick
CORNELL du HOUX of Brunswick
DION of Portland
HINCK of Portland
LUCHINI of Ellsworth

Reports **READ.**

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Regarding the Disposition of Mercury-added Lamps"

S.P. 145 L.D. 512

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-203).**

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
AYOTTE of Caswell
DUCHESNE of Hudson
INNES of Yarmouth
KNAPP of Gorham
LONG of Sherman
NASS of Acton
PARKER of Veazie

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

Signed:

Representatives:

HARLOW of Portland
WELSH of Rockport

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (S-203) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Conform the Authority of the Department of Environmental Protection to Federal Law" (EMERGENCY)

S.P. 507 L.D. 1575

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-201).**

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
AYOTTE of Caswell
DUCHESNE of Hudson
INNES of Yarmouth
KNAPP of Gorham
LONG of Sherman
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 "B" (S-202)**.

Signed:

Representative:
HARLOW of Portland

Reports **READ**.

On motion by Senator **SAVIELLO** of Franklin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-201)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-201) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow the Use of Electronic Benefits Transfer Funds at Farmers' Markets"

S.P. 227 L.D. 735

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

Signed:

Senators:
McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:
STRANG BURGESS of Cumberland
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
SANDERSON of Chelsea
SIROCKI of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-204)**.

Signed:

Senator:
CRAVEN of Androscoggin

Representatives:
EVES of North Berwick
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

Reports **READ**.

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

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

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, I stand in opposition to the pending motion. The Minority Report is really a very innocuous resolve that doesn't cost anything. It just helps our local farmers as well as low income people that use the SNAP program to buy fresh local food. I think that local farmers should be able to benefit from the SNAP program. People who live in inner cities, who are low income and lack transportation to travel to the supermarkets and buy nutritious foods, in my opinion, should be able to buy nutritious foods at their local markets. Apparently they will be able to buy wine at their local farmers' markets coming up here pretty soon, but they won't be able to do transactions with their SNAP program. The resolve would direct the Department of Agriculture and Health and Human Services to support private/public partnerships to provide farmers' markets with wireless electronic benefit transfer card readers. Letters of support for the resolve. The Department of Agriculture and Health and Human Services shall work with the Maine Federation of Farmers' Markets and issue letters of support of a private/public partnership, working towards universal access to farmers' markets with machines required to process supplemental nutritional assistance programs electronic benefit transfers. That's the SNAP EBT funds. Goals of partnerships, in the resolve; private/public partnerships shall solicit the private funds necessary to provide all farmers' markets in Maine with wireless EBT card readers and the partnerships shall also work with banks and machine vendors to eliminate, reduce, and reimburse all costs and fees associated with the processing of EBT cards. I think this is a very important program for beneficiaries as well as for our local food producers and I would asks that you defeat the pending motion and vote for the Minority Report.

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

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

Senator **SCHNEIDER**: Thank you Mr. President. Men and women of the Senate, sometimes when I see these reports come out, especially given the recent debate that we had on alcohol at farmers' markets, I wonder what we are doing sometimes here. We have a bill to encourage use of local businesses, local farmers, for low income people, and to encourage them to use farm products, fresh local produce, and there is no cost to the State to work this out, and we turn it down. I am at a loss for words. I would like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **SCHNEIDER**: Thank you Mr. President. What on earth is wrong with providing a mechanism for people who are low income to buy fresh produce at farmers' markets without any cost

to the State of Maine, and perhaps a large reduction in healthcare costs?

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 Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President. Men and women of the Senate, the title of this bill is simply to allow the use of EBT cards at farmers' markets. From the testimony we heard in the committee and from my own experience in Gardiner, this already happens. I would invite you to the farmers' market in Gardiner. EBT cards are used there. The option is there for any farmers' market. As long as they are willing to get the EBT card reader to their farmer's market they can use these. As referred to earlier in the Senator from Penobscot's testimony as being able to use that EBT card at farmers' markets to buy local wine, obviously EBT cards are being used. There is no need for this bill or DHS to get involved with negotiating with banks and financial institutions. If farmers' markets want to do it they certainly have the option and some do so. 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 stand here also in opposition to the motion on the floor. I want to thank the good Senator from Kennebec, Senator McCormick, for talking about his farmers' market. I'm very, very happy that that farmers' market does accept SNAP benefits and they have an EBT card reader. Let me throw out some stats. There are over 100 farmers' markets in Maine. Let me say that again, because sometimes people don't listen to me. There are over 100 farmers' markets here in Maine. Of those over 100 farmers' markets in Maine about 10% to 12% of them, maybe up to 15%, it's a little hard to tell, about 15% of them actually have what the Senator from Kennebec, Senator McCormick's farmers' market has. Yes, we do allow SNAP benefits to be used at farmers' markets, but they are used at 10% to 15% of the entire state. Why? Why is there this disconnect when people want fresh foods, are supporting local businesses? The reason is why is that these card readers are expensive. They cost about \$1,000 per card reader. Then there are associated fees. The reason I introduced this bill was to create a private/public partnership where I and anyone else who wanted to join me could go out and try to raise money from different groups out there that probably would have a lot of good reasons to be supporting our local farmers' markets so that we can purchase more EBT card readers. Then I wanted to start working with the banks to see if there was any way that we might possibly be able to waive the fees. Again, not asking either Department to do anything. All I'm asking them to do is write a letter, jointly. To jointly put a letter out saying, "You know what, this is something we support because we are already doing it and we support this private/public partnership." Then we'd raise dollars. We'd go raise dollars and actually try to get more electric card readers at our farmers' markets. I don't see many complications in this. I see this as that proverbial win-win. It is a win for businesses, a win for low income people, and a win for the State as we keep encouraging more strong farmers' markets in the state. I, also, am confused on why this came out of the committee Ought Not to

Pass. I think this is a smart way to go about trying to increase more fresh foods to Mainers. 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, about three months ago I was asked to attend the Farmers' Bureau social in York County. We talked about many of the bills coming up and then there was this particular idea. One man from Sanford/Wells was able to use it. Strong supporter. Feels it brought in about \$1,000 trying it the first time. There were some problems with using it. Anyways, I said, "This sounds interesting. Tell me more." I got invited to a supper in Sanford of all the farmers' markets. Farmers, food, supper, pot luck. I said, "Sure, I'll go." It was great. The food was great. Long ride, but it was great. All the managers of all the farmers' markets in York County. There was one person in opposition to this. He said that he was a farmer and he charges more and he'd want people not to buy their food because he's paying for the program. That was one person. There were probably 60 or 70 people there. Maybe 50 people there. Everybody else was in favor. What I heard was, "Can we get the local banks to drop the fees?" It's not an unheard of question. It often happens with your rotary auctions and things like that. They drop all those fees. A lot of local banks would be more than interested, possibly your credit unions with their program on feed the hungry. The other problem was that many of the ones in York County had about 20 people. They said that if one person has the machine then what happens is that's the only place they can go to buy unless you was to set it up with multiple people in that one machine, but there was no way to separate it. You'd need a lot of machines to be able to do it or you'd need an understanding with the Department. If this is to talk about it then why are we afraid to talk about something that might be a piece of a solution to problems we have? We know our small family farms are suffering. They are looking to diversify simply to be able to survive with corn mazes. I'm thinking of Harris Farm and cross country skiing, corn mazes, and hay wagon rides to go and pick your own pumpkins. All kinds of things to survive. I would have to agree. It's a win-win-win-win. Small farmers' markets. People who need produce and that need fresh vegetables. No one's even talked about obesity. I know I'm not the poster child for being fit and trim and all of that, but I understand the importance of making sure that our young children try to stay fit so they don't end up like this Senator. I don't understand why we're afraid to try a piece of a solution to many, many problems here. That's all we're doing. For my York County people, they made it very clear that they were in favor of talking and trying to figure this out. Thank you very much, Mr. President.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I just want to read this enormously long letter that came from the Department to our committee. I'm just kidding, it's only two sentences. This is what the Department came and testified to in our committee. "The Department encourages and supports the use of the farmers' market by food supplement recipients. We have and continue to encourage this by providing at no cost point of sale devices to approximately six to ten farmers' markets vendors. The Department can only provide

these devices to vendors who are licensed by the US Department of Agriculture. The Department does not have authority to license vendors. The Department will continue to work with any farmers' markets vendors in Maine who are licensed by the US Department of Agriculture." It seems to me that farmers who are licensed with the US Department of Agriculture, who are probably a bit more affluent and have more resources, are able to receive those free devices from the Department but smaller producers do not. This resolve would really, really help those small producers to acquire those machines so that they could at least hold up their side and receive their share of the market. 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, again, yesterday there was debate and arguments made for allowing wine and malt liquor to be available for sale at farmers' markets. The argument was that this was good for business. Well, the same exact argument can be used for this bill. This bill is a good business bill. It's about our local farmers. Having served on the Agriculture, Conservation and Forestry Committee this session, I think this is a great bill that does not cost the State any money and, in fact, I think would probably help our cause because we want to encourage healthful eating. That would do that. It would not only be helping the local farmers, but it would actually increase consumption of the kinds of foods that we should be inspiring people to consume. I really hope that those people who supported the farmers' market bill for alcohol and malt liquor sale will vote against this pending motion because it just wouldn't make sense not to. 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, I'll be very brief. I just wanted to share another success story when you have these card readers accepting SNAP benefits. A lot of local farmers are actually giving double value of their food. They bring up \$10 on their card and the farmers will give \$20 of food. This is just a unique situation in some of our farmers' markets. Again, it tells you what happens when you actually have a successful program of having card readers and having SNAP benefits be accepted. I hope, again, that you will reject the pending motion. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#137)

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, GERZOFKY, 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 **McCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Amend the Rules Concerning Long-term Care Services To Better Support Family Caregivers
S.P. 232 L.D. 739

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

Signed:

Senators:
McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
SANDERSON of Chelsea
SIROCKI of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-205)**.

Signed:

Senator:
CRAVEN of Androscoggin

Representatives:

STRANG BURGESS of Cumberland
EVES of North Berwick
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

Reports **READ**.

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

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

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

Senator **Craven:** Thank you Mr. President. Men and women of the Senate, today's my day. I rise in opposition to the pending motion. There were several mandatory co-signers on this bill from both sides of the aisle. There has been a lot of talk about conforming to federal regulations this session. It seems that we only do that when it suits us. The rule requires a written contract. If a senior or disabled person hires a family member to care for them the Health and Human Services has a rule that the family has to have a pre-existing written contract between the caregiver and the recipient of the service, if they are related. Who knows if before that happens whether that would be required if the person eventually qualified for MaineCare benefits if they had to go into a long-term care facility. Traditionally, as we get older or become infirmed or become incapacitated through accident or disease, we would usually be cared for by a family member. This is a good model, in my opinion. The person cared for often is much more comfortable having someone who is related to them do the care. I actually care for a person who I am related to. This is not always practical in this modern world because people in the house hold have to work and people can't usually afford to drop everything to care for a relative. They still need money to get by themselves. This is why family caregivers are allowed to be paid under some state and federal programs. Unfortunately, Maine currently has stricter standards than those required by the federal government to pay family caregivers. This resolve is designed to bring Maine in line with those federal requirements. However, if a caregiver is not related to the person they don't have to sign a pre-existing contract. It is my belief that, although this bill will allow more people to be paid as family caregivers, in the long run it will save the State money because people can stay out of long-term care facilities longer. Unfortunately, there is a fiscal note on this bill and I'm not sure how that was derived at. When somebody hires a relative to care for them they are never, in my opinion, thinking that down the road they are going to have to go into a long-term care facility and need to apply for MaineCare. If the person is related to the caregiver, those payments are looked at as a transfer and is levied against the pay down for the MaineCare benefit. This would allow for the relative to care for their loved one without having a pre-existing contract and prove in some other way that the transfer was for payment of care that they were being provided. I hope that you will join me in defeating this particular motion so that we can do something for our senior citizens today. Thank you, Mr. President.

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

Senator **McCORMICK:** Thank you Mr. President. Men and women of the Senate, this is about what you do with your assets prior to becoming eligible for MaineCare or Medicare. They pretty much govern what you can do with your money if you have some before you are eligible. There are requirements in the law that if you give away sums of money or some of your assets that they could even be brought back or you could not be eligible for MaineCare for a certain period of months until that amount of money that you should have had is accounted for. So to protect against those things, you can have an agreement with your family members that they will get so much money for taking care of the family member. That is completely legitimate. This removes that agreement requirement. Now you can maybe be in a position where you can justify how much funds you actually gave to your family members even when there is no agreement there. I don't think we should be doing that. The fiscal note simply comes from the fact that they feel a few more people would be eligible for long-term care under MaineCare sooner than they would normally be and so there is a small fiscal note to that. Thank you, Mr. President.

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

Senator **Woodbury:** Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **Woodbury:** Thank you Mr. President. I understand this bill to be intended to conform with federal law. What are the federal limits on compensation to a family caregiver that would, essentially, become the law if we're not required to have this written portion?

THE PRESIDENT: The Senator from Cumberland, Senator Woodbury poses a question through the Chair to anyone who may wish to answer. The pending question before the Senate is the motion by the Senator from Kennebec, Senator McCormick to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#138)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, HILL, 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, GERZOFKY, GOODALL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **THOMAS** of Somerset to **ACCEPT** Report "**B**", **OUGHT NOT TO PASS**. (Roll Call Ordered)

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **McCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

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

Sent down for concurrence.

Divided Report

Six Members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Promote Rural Job Creation and Workforce Development"

S.P. 300 L.D. 954

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

Signed:

Senator: SULLIVAN of York

Representatives: BOLAND of Sanford BOLDUC of Auburn CASAVANT of Biddeford GRAHAM of North Yarmouth KAENRATH of South Portland

Six Members of the same Committee on the same subject reported in Report "**B**" that the same **Ought Not to Pass**.

Signed:

Senators: THOMAS of Somerset COLLINS of York

Representatives: COTTA of China HARVELL of Farmington MOULTON of York TURNER of Burlington

Reports **READ**.

Senator **THOMAS** of Somerset moved the Senate **ACCEPT** Report "**B**", **OUGHT NOT TO PASS**.

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.

SECOND READERS

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

House As Amended

Bill "An Act To Make Permanent the Direction of Fines Derived from Tribal Law Enforcement Activities to the Passamaquoddy Tribe and the Penobscot Nation"

H.P. 171 L.D. 194 (C "A" H-375)

Bill "An Act To Permit Representation by Persons Other than Attorneys in Certain Hearings, Actions and Proceedings before the Department of Education"

H.P. 258 L.D. 325 (C "A" H-376)

Bill "An Act To Amend the School Administrative Unit Consolidation Laws" (EMERGENCY)

H.P. 311 L.D. 385 (C "A" H-357)

Bill "An Act To Create a Sales Tax Holiday for Energy-efficient Appliances and Fixtures"

H.P. 369 L.D. 476 (C "A" H-337)

Bill "An Act To Permit Persons To Perform Simple Electrical Repairs under Limited Licenses"

H.P. 591 L.D. 784 (C "A" H-300)

Bill "An Act To Enhance Mandated Reporting and Prosecution of Elder Abuse, Neglect and Exploitation"

H.P. 699 L.D. 939 (C "A" H-374)

Bill "An Act To Make Strangulation an Aggravating Sentencing Factor"

H.P. 761 L.D. 1027 (C "A" H-378)

Bill "An Act To Provide Prevailing Mortgagors Attorney's Fees in the Foreclosure Process"

H.P. 999 L.D. 1360 (C "A" H-373)

Bill "An Act To Amend the Laws Administered by the Department of Environmental Protection" (EMERGENCY)
H.P. 1027 L.D. 1398
(C "A" H-369)

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

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

ENACTORS

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

Bill "An Act To Allow the Sale of Locally Produced Beer and Wine at Farmers' Markets"
H.P. 570 L.D. 763
(C "A" H-342)

Act

An Act To Revise the Laws on Tournament Games
H.P. 718 L.D. 974
(C "A" H-179)

READ A SECOND TIME.

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

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.

Off Record Remarks

ROLL CALL (#139)

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

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

NAYS: Senators: JACKSON, PATRICK, SCHNEIDER

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

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

Off Record Remarks

Senate As Amended

Bill "An Act To Amend the Laws Governing the Sex Offender Registry"
S.P. 313 L.D. 1025
(C "A" S-180)

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

Bill "An Act To Encourage Science, Technology, Engineering and Mathematics Education"
S.P. 490 L.D. 1540
(C "A" S-177)

Off Record Remarks

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

RECESSED until 1:00 in the afternoon.

Sent down for concurrence.

After Recess

Senate called to order by the President.

Off Record Remarks

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 OF THE DAY

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

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Requirements for Electric Transmission Lines"
S.P. 246 L.D. 802

Majority - **Ought to Pass as Amended by Committee Amendment "B" (S-197)** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-196)** (6 members)

Tabled - June 1, 2011, by Senator **THIBODEAU** of Waldo

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 1, 2011, Reports **READ**.)

Senator **THIBODEAU** of Waldo moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-197)** 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 Bartlett.

Senator **BARTLETT:** Thank you Mr. President. I rise in opposition to the pending motion and hope we can go on and accept the Minority Report. This legislation was aimed to help us to keep energy prices in check. You hear a lot of folks talking about rising energy prices and often we talk about the cost of electricity. There is another component to the bill, which is the cost of the transmission and distribution of that electricity to your home. This bill would simply require that when a new transmission line is being built that it either be built to improve reliability, to make sure the lights are going to be kept on, or to lower costs for rate payers. These lines are being paid for with rate payer dollars. You and I pay for them every time we pay an electrical bill. All we wanted to do with this bill was to require that if they are not being build for reliability to keep the lights on that they only be built if it's going to lower costs. It's that simple. I hope you will join me in opposing the pending motion.

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

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I know it's exciting to hear a transmission line bill debated on the Senate floor. Everybody was waiting with baited breath for this moment. I know the good Senator from Portland as well as myself will lay awake at night, dreaming of these opportunities. I just want to point out that currently at the PUC there is a whole list of items that they have to consider before approving a transmission line. That list includes economics; reliability; public health and safety; scenic, historic and recreational values; state renewable energy goals; proximity to dwellings; and alternatives to building the lines such as energy conservation, distribution, generation and load management. Now that's exciting stuff. The fact of the matter is that there are plenty of checks and balances and report "B" fixes the statute that was in error, the same as report "A". Report "A" goes and adds another bar that must be cleared. I think that the public is well served by the process that is already in place. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **THIBODEAU** of Waldo to Accept the Majority Ought to Pass as Amended by Committee Amendment "B" (S-197) 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 (#140)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, 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, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, HILL, JACKSON, PATRICK, SCHNEIDER, SULLIVAN

ABSENT: Senator: HOBBS

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **THIBODEAU** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-197)** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "B" (S-197) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Promote Rural Job Creation and Workforce Development"

S.P. 300 L.D. 954

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-189)** (6 members)

Report "B" - **Ought Not to Pass** (6 members)

Tabled - June 1, 2011, by Senator **COURTNEY** of York

Pending - motion by Senator **THOMAS** of Somerset to **ACCEPT** Report "B", **OUGHT NOT TO PASS** (Roll Call Ordered)

(In Senate, June 1, 2011, Reports **READ**.)

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

Senator **BARTLETT:** Thank you Mr. President. This bill started out as a fairly complicated bill which started out with the idea that we provide preference in State contracts to those who committed to hire Maine workers. As we worked the bill concerning the additional costs that this would require, we striped that portion from the bill and instead left what is a very simple requirement for those bidding on contracts with government entities in the State of Maine. That is that they commit to coordinating with regional workforce development programs and make best efforts to hire low income and long term unemployed people. The idea here is that if you are doing a project, either a State or local project in some part of the state, and you are going to be hiring additional workers we ought to ask that you consult with the regional employment folks to see if there are local workers who might fit the bill. Perhaps they could be brought on as apprentices. Perhaps they could be tied into a federal job training program. Perhaps you would just find qualified workers who are out of work. It's a request that successful bidders consult and make a commitment to make the best effort to try to hire local people. No contract can be stopped as a result of this bill. It is simply to make sure that as we go through the bidding process folks are aware of resources that are available to both the employer and prospective employees. I hope we could oppose the pending motion and consider this piece of legislation. It is very striped out from what it was and does not provide any kind of onerous requirement and hopefully would help us to better tie people to jobs within their communities. 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, the original bill, if you take that out and read it, will use 20%. It will use lots of things that, rightfully so, concerned my good Chair. However, that bill has been striped out. The amendment simply says consult. One of the things that we would be looking at is like career centers and trying to find work for people. If there was a construction job coming through or

whatever we would be able to go and hopefully put Maine workers back to work first. There is not a guarantee. You don't have to pay a particular wage. It's that you have a chance to consult. Those of you who do collective bargaining, it's the same thing when you meet and consult if there is going to be a change or something. That's all it is. It's trying to find something. I was a little confused at first this morning when that came up, thinking we had done a whole bill, and became more concerned when my Chair and I was speaking about it earlier. It has been striped out. I went and took a look at the amendment. The amendment is what we signed on to. The 20% is out. Please consider that. It's simply saying to those Maine workers that are looking for a job and can't find one that there is a construction job coming in. The first bill was not acceptable by either party. The amendment is.

THE PRESIDENT: The Chair would remind the Senator that the amendment is not before us.

Senator **SULLIVAN:** Thank you Mr. President. I'm sorry.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just spent half an hour in the Legal Analysis Office over in the other building, the Cross Building. This bill does contain the 20% because section 3 is left. What this bill does is requires successful bidders on contracts over \$100,000 to make their best efforts to fill at least 20% of the jobs created with long term unemployed individuals who work with the Department of Labor's Career Center, they closed the Career Center in my area, by the way, or have a family income below 200%. What does best efforts mean? Does that mean that if I'm the contractor and I employ only 19% and I turn down someone that wants a job that this opens the door for a lawsuit? That's the way I would interpret it if I were a contractor and I was going to bid on a State job. Put yourselves in the shoes of a contractor that is looking at a State job. You've got your crew. In this day and age you are not going to be hiring anybody. You're going to be looking to try to keep the people that you have employed. Do you fire 20% in order to make 20% of your current employees in order to make a best effort? Do you just let them go? I would hope not. Being an employer I know that one of the keys is that you find good employees and then you work with them over time to get the most production that you can out of them so they get along well. You find people that don't get along and, if you need to, you let them go and you replace them. Now, all of a sudden, you get this contract and you've got to replace 20% of your employees. How do you know what your productivity is going to be? How do you know what it's going to cost you to do that job if you don't know what 20% of your employees will work with the rest of your crew? It's going to drive up the cost. It's going to make it harder to get these projects done, get them done on time, and get the quality you need because you're just not going to have the kind of people that these contractors are used to. This isn't just State projects. This is State, county, city, town, and every charitable or educational institution that is supported in part or aid granted by the State or by a municipality. This covers a broad range of contracts and it's really a problem. What are best efforts? If you are a contractor looking at a job, define best efforts. Thank you.

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

Senator **BARTLETT:** Thank you Mr. President. I'd point out that there were concerns at the public hearing about other sections of the bill but not the one that remains standing. What I have a hard time understanding is why anyone would not want someone who is using State money within their region, within your district, if they are creating jobs because of this contract, why wouldn't we want them to reach out to the local Career Center or local regional labor development center and say, "Gee, do you have anybody who might be qualified to fill these jobs?" before they go to other parts of the state or outside the state? Why wouldn't we want that simple consultation? It simply requires that businesses make their best effort to fill 20% of created jobs. If ten jobs are created they are going to make their best efforts to find two people. Contact the Career Center. Do you have anybody? Nope, there is nobody who fits these qualifications. You've made your best effort. Case closed. This is not onerous. This isn't difficult. A lot of us just feel that when State money is being used within our districts and jobs are being created they ought to look there first before looking other places. That's all that it requires. There are no added costs to the business for doing this. It's simply a matter of checking to see if there are unemployed people who have the qualifications to do the job. I hope we can agree that every part of the state has good workers who ought to be considered for projects funded with State dollars. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just have a question I'd like to pose through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **DIAMOND:** Thank you Mr. President. The question is, for me at least, that the 20% is critical. I don't think we should have items in this bill that would kill a contract. I've heard two different responses to that. If somebody could clear that up that would be a big help to me.

THE PRESIDENT: The Senator from Cumberland, Senator Diamond poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, like I said the first time I got up, I spent half an hour with the analysis that wrote this. Section 3 remains in the bill. That's all that's left in the bill. Section 1 and section 2 are gone. Section 3 says 20%. That's the bill, according to her. Maybe there are other answers to that question, but I talked to the person, spent a significant amount of time trying to nail this all down. The 20%, according to the legal analysis, is still in the bill.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I'll try one more time to do it correctly. The bill,

original bill, as it came to the committee is not the bill that went out. There are two different reports. One is the committee report "B", that we are talking about now, and one is committee report "A". "A" is what I'm signed on to. "A" does not include the 20%. "B" probably does. I don't know if I've stretched it or what, I don't know how else to answer the question. There are two different reports there.

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

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I've taken the opportunity to try to read the original bill and the amendment. There is some confusion about the numbering; one, two and three. The original bill had a section 1, a section 2, a section 3, a section 4, and a section 5. The amendment deletes sections 1, 2, and 3 and 5, leaving original section 4. However, section 4 has a subsection 3. I believe that is what my good friend has been talking about. In this amendment it still requires that State, county, city, and town....

THE PRESIDENT: The Chair would remind the Senator that the amendment is not before us. The Chair has been very lenient in allowing the discussion for the edification of members.

Senator **HASTINGS:** Thank you Mr. President. If I could, Mr. President. I'll simply say that I see the number 20% in this section. If we get to that point I will elaborate.

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

Senator **BARTLETT:** Thank you Mr. President. In response to the question, which has been a challenge in light of the nature of this discussion, I would say this; if you believe that there is some value in having folks using State dollars to coordinate with regional workforce development in the region where they are doing the work I'd ask you to oppose the pending motion so we can go on to have a discussion of the amendment and whether there is the 20% there or not. It could be fully discussed at that time. 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, contractors already do call. When you are trying to fill positions that are available you find that you go to applications on file, you put an ad in the paper or probably on-line now, which is cheaper, and you call the Maine Bureau and you ask if they have any people who are interested. We don't need to be told how to find employees and we don't need another box to check off. We want to run good businesses with good employees who get us good results so that people talk well of us so we can get the next job. We don't need another box. We know how to run our businesses and we appreciate your interest, but no thank you.

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

Senator **HASTINGS**: Thank you Mr. President. I do understand it's acceptable to discuss the bill. I wish to discuss section 4 of the bill. I will refrain from mentioning that this is the substance of the amendment. I am going to discuss just section 4 of the original bill which states that State, city, county, and charitable organizations shall require, under section 3, to fill 20% of jobs with certain individuals. It says it requires successful bidders of contracts over \$100,000 to make best efforts to fill at least 20% of jobs created with individuals who have been unemployed for longer than six months or clients of the Department of Labor's Career Center or have family income equal to or below 200% of the federal poverty level. I don't know what best effort means. I would say that if you did not comply with that you opened up yourself to a lawsuit for noncompliance with the contract. I don't know how you can prove you have made best efforts but have been unable to meet those levels. In a very securitas manner, I believe the original bill still would, in section 4, contain that requirement. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Thomas to Accept Report "B", Ought Not to Pass. 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 (#141)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, 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, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFOSKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **THOMAS** of Somerset to **ACCEPT** Report "**B**", **OUGHT NOT TO PASS**, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/26/11) Assigned matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Reduce Student Hunger"

S.P. 264 L.D. 860

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-170)** (11 members)

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

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

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 26, 2011, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-170) **READ**.

On motion by Senator **MASON** of Androscoggin, Senate Amendment "A" (S-206) to Committee Amendment "A" (S-170) **READ**.

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

Senator **MASON**: Thank you Mr. President. Men and women of the Senate, this bill essentially is an effort to make it so that the school departments don't have a mandate on top of them. What this bill would do is allow the schools to participate in this program, but it would also, at the same time, not make it mandatory and it would direct the Department of Education to assist any school who wishes to participate in this program. I would ask you to help them get this rolling for the schools. Thank you, Mr. President.

On motion by Senator **MASON** of Androscoggin, Senate Amendment "A" (S-206) to Committee Amendment "A" (S-170) **ADOPTED**.

Committee Amendment "A" (S-170) as Amended by Senate Amendment "A" (S-206) thereto, **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/31/11) Assigned matter:

Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel

H.P. 636 L.D. 839

Tabled - May 31, 2011, by Senator **SAVIELLO** of Franklin

Pending - **FURTHER CONSIDERATION**

(In House, May 25, 2011, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)**.)

(In Senate, May 25, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, May 26, 2011, that Body **INSISTED**.)

On motion by Senator **COURTNEY** of York, the Senate **RECEDED** and **CONCURRED**.

The Chair laid before the Senate the following Tabled and Later (5/31/11) Assigned matter:

Bill "An Act To Conform Maine's Estate Tax to the Federal Estate Tax"

S.P. 347 L.D. 1147
(S "A" S-173 to C "A" S-133)

Tabled - May 31, 2011, by Senator **COURTNEY** of York

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-133) AS AMENDED BY SENATE AMENDMENT "A" (S-173)** thereto

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-173) to Committee Amendment "A" (S-133).

On further motion by same Senator, Senate Amendment "A" (S-173) to Committee Amendment "A" (S-133) **INDEFINITELY POSTPONED**.

On further motion by same Senator, Senate Amendment "B" (S-217) to Committee Amendment "A" (S-133) **READ**.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is an effort we've been trying to make for the last several days. The amendment decreases the Maine exclusion amount proposed in Committee Amendment "A" for the estate tax in Maine from \$5 million to \$2 million. We thought we had it done yesterday, but we found a couple of numbers that were left out. That's the extent and the intent of this amendment, to make this especially workable for those people who need it the most and brings it up from \$1 million, where it is currently at, to the \$2 million level that this amendment would propose. Thank you, Mr. President.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, first of all I'd like to thank the previous speaker for his work in reaching out to try to find a compromise on this very important issue. With that, thank you Senator. This

is a friendly amendment. I hope that this Chamber will adopt this amendment.

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

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

Senator **ALFOND:** Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **ALFOND:** Thank you Mr. President. With this amendment on the table, I was wondering what the cost to the State of Maine will be in this biennium and potentially the next biennium? If anyone could answer that question.

THE PRESIDENT: The Senator from Cumberland, Senator Alford 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. All you have to do is flip the amendment over and on the back is the fiscal note for fiscal year 2012-2013. It is \$8,300,000. Projected 2013-2014 is \$9.8 million. I would remind folks that this is significantly less than earlier proposals. Thank you.

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

Senator **WOODBURY:** Thank you Mr. President. I believe the former speaker was in error about the fiscal note. The amount that is listed, I believe, on the rear of the Senate Amendment "B" to the Committee Amendment is the amount we gained from having gone from a \$5 million exclusion to a \$2 million exclusion. We are, in fact, relative to the original bill, recovering something in the ballpark of \$10 million. It is a somewhat larger amount to go from the \$1 million where we are today to the \$2 million exclusion that this further amendment would create. I was trying to quickly find out exactly what that number is. I think it's in the ballpark of \$30 million a year once this is phased in. Thank you, Mr. President.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, since I'm learning how to find the amendment to read what's on the back, I want to answer more clearly what I think the Senator from Cumberland was saying. I guess the original amendment was filed as S-133. Eventually this will be a question for the Chair, but I guess what I'm trying to understand is that it would originally cost \$29 million at \$5 million for fiscal year 2012-2013 and now, with this amendment, we'd be regaining \$8 million of that. Then you would minus the \$29 million minus the \$8 million, so it would be \$21 million in fiscal year 2012-2013. Then in 2013-2014 the original bill was \$35 million and now it's going to be \$10 million, so it would be \$25

million in 2013-2014. I guess, just to play it out, in 2014-2015 it's \$37 million in the original bill, \$10 million gets back, so it's \$27 million in 2014-2015. I appreciate the Senator from Cumberland explaining that because it was a little confusing. Thank you, Mr. President.

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

Senator **TRAHAN:** Thank you Mr. President. I'd like to clarify. If you look at the fiscal note at the bottom, on Senate Amendment "B" S-217, it says the overall fiscal impact after the Senate Amendment will be a General Fund revenue loss of \$137,500 in fiscal year 2011-2012 and \$20,753,000 in fiscal year 2012-2013.

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

Senator **PLOWMAN:** Thank you Mr. President. I know I'm not real good at math, but the difference between \$1 million and \$2 million. The \$5 million was supposed to reflect about 550 families in the state of Maine. I'm pretty sure that with the \$1 million to \$2 million, if all of those people die in the next two years, I suppose we'd be looking at a loss, but I'm not sure how much we're taxing people on the difference between \$1 million and \$2 million in one single year. We would actually be talking about a \$20 million loss in revenues. I'm not comfortable with any of the explanations regarding this based on the facts that were brought forward to us during the original debate on this bill. I'm not comfortable with the projects by anyone. I would prefer that we have the actual figures before us when we vote on this. Thank you.

Senate at Ease.

Senate called to order by the President.

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

Senator **WOODBURY:** Thank you Mr. President. Men and women of the Senate, we do, in fact, have the correct fiscal notes if one does the math between the original Committee Amendment and the Senate Amendment that is being proposed to be added to it. Roughly the fiscal notes are \$21 million in fiscal year 2013, \$24 million in fiscal year 2014, and \$27 million in fiscal year 2015. Where these numbers come from is partly from the increase in the exclusion amount from \$1 million to what will be \$2 million and partly from a correction of this 41% cliff rate that is in current law. Close to half, I think not quite half. I think maybe somewhere between 30% and 40% is my best guess, of this cost of this reform is, in fact, fixing the cliff rate and the remainder is a result of raising the exclusion amount from \$1 million to \$2 million. I hope that clarifies things. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond to Adopt Senate Amendment "B" (S-217) to Committee Amendment "A" (S-133). 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 (#142)

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, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **DIAMOND** of Cumberland to **ADOPT** Senate Amendment "B" (S-217) to Committee Amendment "A" (S-133), **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 (#143)

YEAS: Senators: BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, 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, BARTLETT, DILL, JACKSON

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, Committee Amendment "A" (S-133) as Amended by Senate Amendment "B" (S-217) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-133) AS AMENDED BY SENATE AMENDMENT "B" (S-217) thereto.

Ordered sent down forthwith for concurrence.

NEWENDYKE of Litchfield
TUTTLE of Sanford
WINTLE of Garland

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

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

COMMUNICATIONS

The Following Communication: H.C. 189

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE**

May 31, 2011

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
125th Maine Legislature
Augusta, Maine 04333

Dear Secretary Carleton:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the House of Representatives (H.P. 33) (L.D. 40)

Sincerely,

S/Heather J.R. Priest
Clerk of the House

READ and ORDERED PLACED ON FILE.

Signed:

Senator:
JACKSON of Aroostook

Representatives:
DRISCOLL of Westbrook
GILBERT of Jay
HUNT of Buxton
VOLK of Scarborough

Reports **READ**.

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

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **RECTOR** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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 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)

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Establish a Consistent Workers' Compensation Classification for Pharmacies

S.P. 270 L.D. 866

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

Signed:

Senators:
RECTOR of Knox
MARTIN of Kennebec

Representatives:
PRESCOTT of Topsham
DOW of Waldoboro
HERBIG of Belfast

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual Chapter III, Section 21: Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 550 L.D. 743

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

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

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

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

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Correct a Statutory Oversight Regarding the Public Utilities Commission's Ability To Use Certain Funds"

H.P. 735 L.D. 999

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-437)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437)**.

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

READ ONCE.

Committee Amendment "A" (H-437) **READ** and **ADOPTED**, in concurrence.

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

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

ENACTORS

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

Emergency Measure

An Act To Amend the Requirements Concerning Small Restaurants That Serve Alcoholic Beverages
H.P. 997 L.D. 1358
(C "A" H-366)

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.

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

Senate at Ease.

Senate called to order by the President.

Emergency Measure

An Act Honoring Gold Star Families through Special Registration Plates
H.P. 1123 L.D. 1529
(C "A" H-355)

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 Resolve

Resolve, To Foster Energy Efficiency Improvements and Other Needed Renovations at Residential Care Facilities Funded by MaineCare

S.P. 219 L.D. 790
(C "A" S-127; H "A" H-371)

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

Acts

An Act To Make Disputed Ballots in State Elections Public
H.P. 225 L.D. 277
(C "A" H-178)

An Act To Allow the Towns of Mapleton, Castle Hill and Chapman To Adopt a Policy To Simplify the Municipal Disbursement Warrant Process

H.P. 226 L.D. 278
(C "A" H-367)

An Act To Enhance the Security of Hospital Patients, Visitors and Employees

H.P. 365 L.D. 472
(C "A" H-360)

An Act To Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential

S.P. 189 L.D. 609
(C "A" S-179)

An Act Concerning the Protection of Personal Information in Communications with Elected Officials

H.P. 817 L.D. 1082
(C "A" H-361)

An Act To Expand the Availability of Natural Gas to the Citizens of Maine

S.P. 324 L.D. 1091
(C "A" S-178)

An Act To Make Municipal Recounts Consistent with State Recounts

S.P. 343 L.D. 1134
(C "A" S-176)

An Act Regarding Protection Orders

H.P. 1004 L.D. 1365
(C "A" H-362)

An Act To Amend the Maine Administrative Procedure Act

H.P. 1036 L.D. 1410
(C "A" H-368)

An Act Concerning the Recording of Plans for Subdivisions

S.P. 447 L.D. 1460
(C "A" S-175)

An Act To Amend the Maine Business Corporation Act

H.P. 1103 L.D. 1502
(C "A" H-363)

An Act To Amend Licensing and Certification Laws Administered by the Department of Health and Human Services

H.P. 1129 L.D. 1537
(C "A" H-359)

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
(C "A" H-354)

PASSED TO BE ENACTED 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:

ORDERS

Joint Order

On motion by Senator **RECTOR** of Knox, the following Joint Order:

S.P. 514

ORDERED, the House concurring, that Bill, "An Act To Modify the Laws Regarding Status as an Independent Contractor," S.P. 437, L.D. 1420, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and PASSED.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 190

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

June 1, 2011

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
125th Maine Legislature
Augusta, Maine 04333

Dear Secretary Carleton:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report 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)

Sincerely,

S/Heather J.R. Priest
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

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 HASTINGS for the Committee on **JUDICIARY** on Resolve, Establishing the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts (EMERGENCY)
S.P. 297 L.D. 951

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-213)**.

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

READ ONCE.

Committee Amendment "A" (S-213) **READ** and **ADOPTED**.

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

Sent down forthwith for concurrence.

Senator HASTINGS for the Committee on **JUDICIARY** on Bill "An Act To Amend the Maine Human Rights Act Regarding Accessible Building Standards"
S.P. 488 L.D. 1531

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-214)**.

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

READ ONCE.

Committee Amendment "A" (S-214) **READ** and **ADOPTED**.

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

Sent down forthwith for concurrence.

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:

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator SNOWE-MELLO for the Committee on **MARINE RESOURCES** on Bill "An Act To Make Technical Changes to Marine Resources Laws"
S.P. 483 L.D. 1522

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-215)**.

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

READ ONCE.

Committee Amendment "A" (S-215) **READ** and **ADOPTED**.

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

Sent down forthwith for concurrence.

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:

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 Net Energy Billing"

S.P. 239 L.D. 795

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-216)**.

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

READ ONCE.

Committee Amendment "A" (S-216) **READ** and **ADOPTED**.

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

Sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

The President took a seat on the floor.

The Senate called to order by President Pro Tem **BARRY J. HOBBS** of York County.

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Credit Toward Payment of Fines Given for Jail Time"

H.P. 686 L.D. 926

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-414)**.

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

READ ONCE.

Committee Amendment "A" (H-414) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Concerning the Disposal of Unclaimed, Lost or Stolen Personal Property by Law Enforcement Agencies"

H.P. 918 L.D. 1227

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-413)**.

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

READ ONCE.

Committee Amendment "A" (H-413) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Juvenile Code To Address the Issue of Competency"

H.P. 1039 L.D. 1413

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-412)**.

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

READ ONCE.

Committee Amendment "A" (H-412) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Create a Fair Process for Energy Service Companies Contracting with Maine Schools"

H.P. 583 L.D. 776

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-386)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386)**.

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

READ ONCE.

Committee Amendment "A" (H-386) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Students To Receive Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator prior to Graduation"

H.P. 845 L.D. 1139

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-387)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-387)**.

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

READ ONCE.

Committee Amendment "A" (H-387) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Ensure Regulatory Parity among Telecommunications Providers"

H.P. 1075 L.D. 1466

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-399)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-399)**.

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

READ ONCE.

Committee Amendment "A" (H-399) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding Information Provided to Consumers by Competitive Electricity Providers"

H.P. 1113 L.D. 1510

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-398)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-398)**.

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

READ ONCE.

Committee Amendment "A" (H-398) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals"

H.P. 841 L.D. 1129

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-421)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-421)**.

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

READ ONCE.

Committee Amendment "A" (H-421) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Maine Center for Disease Control and Prevention To Conduct a Review of Public Health Nuisance Laws (EMERGENCY)

H.P. 430 L.D. 547

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-407)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407)**.

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

READ ONCE.

Committee Amendment "A" (H-407) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure the Safety of Children in the MaineCare Program Who Are Prescribed Antipsychotic Medications"
H.P. 476 L.D. 646

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-408)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408)**.

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

READ ONCE.

Committee Amendment "A" (H-408) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Cut the Cost of Behavioral Health Care in Hospital Emergency Rooms and To Enhance Access to Peer Support and Community-based Services"
H.P. 711 L.D. 967

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-424)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-424)**.

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

READ ONCE.

Committee Amendment "A" (H-424) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify Assistance for Persons with Acquired Brain Injury"
H.P. 887 L.D. 1196

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-409)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-409)**.

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

READ ONCE.

Committee Amendment "A" (H-409) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Hospital Reporting of MRSA Data"
H.P. 903 L.D. 1212

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-410)**.

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

READ ONCE.

Committee Amendment "A" (H-410) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Promote Prevention Practices in Oral Health Care
H.P. 945 L.D. 1290

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411)**.

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

READ ONCE.

Committee Amendment "A" (H-411) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend the Fees for Infant Lifetime Hunting Licenses" H.P. 90 L.D. 108

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-391)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391)**.

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

READ ONCE.

Committee Amendment "A" (H-391) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding the Right of Native Americans To Be Issued Hunting, Trapping and Fishing Licenses" H.P. 1071 L.D. 1456

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-392)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392)**.

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

READ ONCE.

Committee Amendment "A" (H-392) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009" H.P. 234 L.D. 290

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-427)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-427)**.

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

READ ONCE.

Committee Amendment "A" (H-427) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Implement the Insurance Payment Reform Recommendations of the Advisory Council on Health Systems Development" H.P. 423 L.D. 540

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-428)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428)**.

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

READ ONCE.

Committee Amendment "A" (H-428) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Exemption of Lineworkers from Maine Electrician Licensing Laws" (EMERGENCY) H.P. 675 L.D. 915

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-395)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395)**.

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

READ ONCE.

Committee Amendment "A" (H-395) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Adjust Payroll Processor License Fees"

H.P. 1007 L.D. 1368

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-394).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-394).**

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

READ ONCE.

Committee Amendment "A" (H-394) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Update Professional and Occupational Licensing Statutes"

H.P. 1145 L.D. 1560

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-396).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396).**

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

READ ONCE.

Committee Amendment "A" (H-396) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics"
H.P. 1155 L.D. 1573

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-397).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-397).**

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

READ ONCE.

Committee Amendment "A" (H-397) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Amend the Definition of 'Retail Sale' for Purposes of the Sales and Use Tax Law"

H.P. 544 L.D. 713

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-433).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433).**

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

READ ONCE.

Committee Amendment "A" (H-433) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2012"

H.P. 573 L.D. 766

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-383).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-383).**

Report **READ.**

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence.

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

Senate at Ease.

Senate called to order by President Pro Tem
BARRY J. HOBBS of York County.

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

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Change the Campaign Contribution Limits"

S.P. 260 L.D. 856

Majority - **Ought to Pass** (8 members)

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

Tabled - May 25, 2011, by Senator **FARNHAM** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report

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

On motion by Senator **FARNHAM** of Penobscot, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **PLOWMAN** of Penobscot, Senate Amendment "A" (S-220) **READ**.

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, this amendment was something I had in mind to present to my committee. Unfortunately on the last day of committee I spent my day in three public hearings and two work sessions. I present it as a floor amendment for your consideration. The amendment would take the \$750 limit for

gubernatorial races and double it to \$1,500, keeping in mind that the gubernatorial race is one of the few statewide races that the state of Maine has. We have our two U.S. Senators. We have our two Congress people, who each have a district. We have one statewide race which is for Governor. The federal races have a limit of \$2,300. This is an attempt to recognize the immensity and the enormity of a statewide race and to bring it a little further along as we recognize that it is a statewide race and moves it from \$750 to \$1,500. I would ask for your support on the motion. Thank you, Mr. President.

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

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I thank the good Senator for bringing forth the amendment, but having been on the Minority Report on the bill, which was going to raise the limits from \$350 to \$750, I actually, and the others that were on the Minority Report, basically thought raising those limits was too big of a stretch already and that the \$1,500, although it's not at the \$2,350 federal limit, is too high. I, for one, want to keep as much big money out of politics as I can. I'll be voting in opposition to it. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I rise because there is a great deal of talk often about people saying, "Power to the people" and "We, the people" when referring to our rights as citizens to access government. As we increase the donation amounts, I don't think that that increases access to the average person. I just think that it's the wrong direction. We shouldn't be increasing money in politics. I think the average person on the street, if you ask, thinks there is too much money in politics is already in existence today. They want equal access and not everybody has \$1,500 to give to a candidate. I think that this is not the direction that we should be going. I think, if anything, we probably should lower the amount and make it even more accessible to people without the means to give these large contributions. Thank you.

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, I didn't mean to confuse the issue. The original bill that we talked about raised the limit for other candidates, not legislative and not gubernatorial. That would be your county candidates, your people running for sheriff. That was what the \$750 referred to. We already have in law \$750 for gubernatorial races. The change that I am suggesting is not to take it from \$350 to \$750 to \$1,500, as it seemed to have flowed from the Senator from Oxford, Senator Patrick. The bill that we talked about in committee took into account that we have not addressed any of the limits regarding our county candidates. This amendment would, however, double what is already the law, \$750, and move it to \$1,500. I offer that just as a point of

clarification on what the amendment does. Thank you, Mr. President.

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

Senator **RAYE:** Thank you Mr. President. I simply wanted to make one final clarification, in case it was not entirely clear. This amendment refers only to candidates for Governor. This is only for the Governor's race. It would change it from \$750 to \$1,500. Thank you, Mr. President.

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

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

THE PRESIDENT PRO TEM: The Senator may pose her question.

Senator **SULLIVAN:** Thank you Mr. President. At one point there was a discussion going on that this may not even exist for Governor's races. Clean elections. What if the budget was to do away with this and we had a law? Would it just do away with the new law and never enact the new law? I can see confusion. That was poorly articulated. I was so worried about getting around everything here. At one point in time one of the budget items was that they would do away with the Clean Elections on the Governor's race. If that were to come to be, and we passed this, does this bill just go away because the entire piece in the budget has gone away? Is that any clearer?

THE PRESIDENT PRO TEM: 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 Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you Mr. President. First of all, the bill that we are talking about and the amendment has nothing to do with the Clean Election Act. It would be in effect for any candidate who chose to run in a traditional manner. Having said that, I understand that when the change package became available several weeks ago that the items regarding any initiatives with the Clean Election Act and the Gubernatorial campaigns has been removed from the package.

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

Senator **GOODALL:** Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **GOODALL:** Thank you Mr. President. Anyone who cares to answer, was the amount in the amendment discussed in committee?

THE PRESIDENT PRO TEM: The Senator from Sagadahoc, Senator Goodall poses a question 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. The amendment, being mine, was not offered as part of the committee. I was not there that day. Rather than open it up again for further discussion, I decided to bring it to the floor and see what the attitude would be here. There was an awful lot of work that went into the committee that day and I did not want to come in and make them start anything over. This is how I chose to present it. Thank you.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, one of the big reasons why I'm actually in opposition to this, irregardless of where the budgetary Clean Election gubernatorial thing goes, is that I think our current Governor, and then candidate LePage, actually did a yeoman's job. I think part of the presentation that I heard along the way was that he raised less money than the Clean Election candidate, yet he is elected as our Governor, or Chief Executive, or whatever the proper terminology should be before you gavel me down. Therefore, if he didn't have a problem at the \$750 level do we want to have twice as much money raised to allow big money to get back into that race one more time? As far as I can see, if a person can afford to give \$750 and then they give \$1,500 that's probably going to double the amount that a person can raise because it's going to be larger donors that are donating the money. The one thing that I want to make sure is that I want to stand for the little guy. I would like to keep it at \$750 because I think that it is actually adequate at this time. I'm hoping that we can go on to defeat this. Actually, to be honest with you, I'm actually in opposition to allowing municipal or county candidates to raise \$750 because actually that puts too much money into a county race. Two years ago I ran for the county and I was the second highest County Commissioner candidate. I raised, I think, \$7,800 and my opponent raised \$10,000. Had I had the ability to, instead of \$350, go to \$750 we'd probably been up around \$30,000 for a county candidate race, which is ridiculous. I don't think I'd ever want to raise that much money again because I think between the two of us we raised more money than the rest of the county candidates in the whole state. I'm actually in hopes that we will defeat this and actually defeat the bill as well. Thank you, Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I, at one time, was a fundraiser for a candidate, a gubernatorial candidate. I knew at that time how much easier my job would have been had the donation amounts been exceedingly higher. However, I have listened to a lot of people in my Senate district and they are not happy with a lot of the things that occur here. They are not happy, in particular, with the money that goes on, as far as donations are concerned. They want less money in politics, not more. I would submit that I really believe, in my heart of hearts, that if we had this as a discussion

in committee that you would see a lot of individual citizens show up to a public hearing and say that this is the wrong direction and we shouldn't be increasing the amount for gubernatorial candidates. In fact, we should decrease the amount that we can raise. It should be more accessible to low donor donations rather than these high amounts. I happen to believe that there are a lot of people out there who agree with that in the U.S. Senate and the Congressional races. They do not like the amount of money that is exchanging hands in these races. They want access, equal access. When money is involved in politics it certainly does not get to that goal of equal access. I would submit that I think this is the wrong direction and I am very clear that this is about gubernatorial races only. I think that we do not need more money in politics, although I'm sure it would make fundraising a lot easier. I don't think it would make it better for the people of the state of Maine. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Plowman to Adopt Senate Amendment "A" (S-220). 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 (#144)

YEAS: Senators: BRANNIGAN, COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE

NAYS: Senators: ALFOND, BARTLETT, CRAVEN, DILL, GERZOFKY, GOODALL, HILL, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY, THE PRESIDENT PRO TEM - BARRY J. HOBBINS

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **PLOWMAN** of Penobscot to **ADOPT** Senate Amendment "A" (S-220), **PREVAILED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-220).

Ordered sent down forthwith for concurrence.

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

Senate at Ease.

Senate called to order by President Pro Tem **BARRY J. HOBBINS** of York County.

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

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

Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate off the Record.

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Thursday, June 2, 2011, at 10:00 in the morning.