

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

In Senate Chamber
Wednesday
April 29, 2015

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

Prayer by Pastor Jane MacIntyre, South Parish Congregational
Church in Augusta.

PASTOR MACINTYRE: Let us be in an attitude of prayer. We call in the universal spirit into this space to guide us and I would ask you to empty your minds for this moment of all the schedules and all the responsibilities and all the details that fill your days and think of a time when you were young and you were joyous. Remember the place. Remember who shared that moment. Remember the time of day and the light. Find a detail that stands out for you and see it more intensely than anything else. Remember the feeling. Hold on to that feeling for just a moment more as you breathe it back into your core.

Gracious Spirit, grant to these people who wrestle through contentious days the lightness of children who have nothing more important to do than climb trees and hop long enough to hopscotch home. Grant them the excitement that comes from a wonderful unexpected discovery. Grant them the companionship that comes with being with good friends and grant them the joy of contentment. For just a moment may they be at peace with themselves and each other, strengthened for the task at hand this day. Grant this, we pray. Amen.

Pledge of Allegiance led by Senator Anne M. Haskell of
Cumberland County.

Reading of the Journal of Tuesday, April 28, 2015.

Doctor of the day, Craig Curtis, MD of Holden.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Increase Access to Postsecondary Education for
Maine National Guard Members"

H.P. 912 L.D. 1343

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

On motion by Senator **CYRWAY** of Kennebec, **REFERRED** to the
Committee on **VETERANS AND LEGAL AFFAIRS** and ordered
printed, in concurrence.

Off Record Remarks

Joint Order

The following Joint Order:

H.P. 931

ORDERED, the Senate concurring, that the Joint Standing
Committee on Judiciary shall report out, to the House, a bill
regarding the late reinstatement of corporations, limited
partnerships and limited liability companies after administrative
dissolution.

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

READ.

On motion by Senator **BURNS** of Washington, **TABLED** until
Later in Today's Session, pending **PASSAGE**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 234

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

April 27, 2015

The Honorable Michael D. Thibodeau
President of the Senate of Maine
127th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule
505 of the Maine Legislature, the Joint Standing Committee on
Education and Cultural Affairs has had under consideration the
nomination of Christopher M. Gilman of Old Town, for
appointment to the Maine Maritime Academy, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Langley of Hancock, Edgecomb of Aroostook, Millett of Cumberland
	Representatives	9	Kornfield of Bangor, Daughtry of Brunswick, Farnsworth of Portland, Hubbell of Bar Harbor, Maker of Calais, McClellan of Raymond, Pierce of Falmouth, Stearns of Guilford, Tipping-Spitz of Orono
NAYS		0	
ABSENT		1	Rep. Pouliot of Augusta

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Christopher M. Gilman of Old Town, for appointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

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

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 127th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#40)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DILL, DUTREMBLE, EDGECOMB, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

ABSENT: Senator: GERZOFKY

EXCUSED: Senator: DIAMOND

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Christopher M. Gilman** of Old Town for appointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 235

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

April 27, 2015

The Honorable Michael D. Thibodeau
President of the Senate of Maine
127th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of John F. Shipway of Bath, for reappointment to the Maine Maritime Academy, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Langley of Hancock, Edgecomb of Aroostook, Millett of Cumberland
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Representatives 9 Kornfield of Bangor, Daughtry of Brunswick, Farnsworth of Portland, Hubbell of Bar Harbor, Maker of Calais, McClellan of Raymond, Pierce of Falmouth, Stearns of Guilford, Tipping-Spitz of Orono

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John F. Shipway** of Bath for reappointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

NAYS 0

ABSENT 1 Rep. Pouliot of Augusta

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of John F. Shipway of Bath, for reappointment to the Maine Maritime Academy, Board of Trustees be confirmed.

The Following Communication: S.C. 237

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

Signed,

April 28, 2015

S/Brian D. Langley
Senate Chair

S/Victoria P. Kornfield
House Chair

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

READ and ORDERED PLACED ON FILE.

Dear President Thibodeau and Speaker Eves:

Off Record Remarks

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

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

- L.D. 458 An Act To Implement a Motor Vehicle Violation Electronic Citation Program
- L.D. 936 An Act To Protect Children from Sexual Predators, Sexual Abuse and Sexual Assault
- L.D. 971 An Act To Reinstate the State Fire Marshal's Authority To Inspect Amusement Rides (EMERGENCY)

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 125th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

This is notification of the Committee's action.

ROLL CALL (#41)

Sincerely,

YEAS: Senators: None

S/Sen. Kimberley C. Rosen S/Rep. Lori A. Fowle
Senate Chair House Chair

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

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

ABSENT: Senator: GERZOFISKY

The Following Communication: S.C. 238

EXCUSED: Senator: DIAMOND

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

April 24, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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

- L.D. 152 An Act To Encourage Cardiopulmonary Resuscitation To Be Taught in High School
- L.D. 306 Resolve, To Prevent Overpayment for Virtual Education (EMERGENCY)
- L.D. 725 An Act To Increase Suicide Awareness and Prevention in Maine Public Schools
- L.D. 1229 Resolve, To Create a Pilot Program To Conduct Screenings for Scotopic Sensitivity Syndrome

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley Senate Chair
S/Rep. Victoria P. Kornfield House Chair

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

The Following Communication: S.C. 239

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

April 27, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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

- L.D. 852 An Act To Establish Maine's School Beverage Standards
- L.D. 1064 Resolve, To Establish the Maine Summer Success Program
- L.D. 1251 An Act To Safeguard Students' Personal and Private Information
- L.D. 1252 An Act To Protect Student Data

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley Senate Chair
S/Rep. Victoria P. Kornfield House Chair

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

The Following Communication: S.C. 247

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

April 21, 2015

Honorable Michael D. Thibodeau, Senate President
Honorable Mark W. Eves, Speaker of the House
127th Maine State Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves,

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

- L.D. 1295 An Act To Streamline Regulation of Farms, Food Producers and Food Establishments

Sincerely,

S/Sen. Eric L. Brakey Senate Chair
S/Rep. Andrew M. Gattine House Chair

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

The Following Communication: S.C. 240

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 27, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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

- L.D. 561 An Act To Recognize the Registrations of Snowmobiles and All-terrain Vehicles Owned by Residents of a State That Borders Maine
- L.D. 755 An Act Concerning Antler Restrictions
- L.D. 802 An Act To Allow the Breach or Removal of Beaver Dams That Obstruct Passage of Anadromous or Migratory Fish

This is notification of the Committee's action.

Sincerely,

S/Sen. Paul T. Davis Senate Chair	S/Rep. Michael A. Shaw House Chair
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READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 241

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

April 24, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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

- L.D. 738 An Act To Increase Minimum Motor Vehicle Insurance Coverage

- L.D. 813 An Act To Ensure That Hospitals Comply with the Laws Governing Transparency of Medical Billing

- L.D. 943 An Act To Provide Access to Infertility Treatment

This is notification of the Committee's action.

Sincerely,

S/Sen. Rodney L. Whittemore Senate Chair	S/Rep. Henry E. Beck House Chair
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READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 242

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

April 28, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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

- L.D. 583 An Act To Clarify the Law Governing Mortuary Trust Accounts as They Relate to the Uniform Unclaimed Property Act

- L.D. 994 An Act To Create a Priority Lien Securing 6 Months of Assessments under the Maine Condominium Act

This is notification of the Committee's action.

Sincerely,

S/Sen. David C. Burns Senate Chair	S/Rep. Barry J. Hobbins House Chair
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READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 236

This is notification of the Committee's action.

Sincerely,

S/Sen. Amy F. Volk
Senate Chair

S/Rep. Erin D. Herbig
House Chair

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

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

April 24, 2015

Honorable Michael D. Thibodeau, Senate President
Honorable Mark W. Eves, Speaker of the House
127th Maine State Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves,

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

L.D. 1278 An Act Regarding the Purchase of Essential Tools for the Repair of Motor Vehicles

Sincerely,

S/Sen. Amy F. Volk
Senate Chair

S/Rep. Erin D. Herbig
House Chair

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

The Following Communication: S.C. 244

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

April 24, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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

L.D. 496 Resolve, To Transfer Certain State-owned Property to the Town of East Millinocket

L.D. 785 An Act To Provide for Legislative Review of Federally Mandated Major Substantive Rules under the Maine Administrative Procedure Act

L.D. 915 An Act To Facilitate Long-range Planning in Certain Municipalities

This is notification of the Committee's action.

Sincerely,

S/Sen. Rodney L. Whittemore
Senate Chair

S/Rep. Roland Danny Martin
House Chair

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

The Following Communication: S.C. 243

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

April 24, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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

L.D. 1091 An Act To Allow Youth Who Referee Sports To Be Paid Stipends

L.D. 1131 An Act To Create a Domestic Division within the Maine International Trade Center

The Following Communication: S.C. 245

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

April 24, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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

- L.D. 30 An Act To Exempt Fuel Used by Commercial Farmers from Sales Tax
- L.D. 168 An Act Relating to the Sales Tax Exemption on Depreciable Equipment Used in Commercial Wood Harvesting
- L.D. 315 An Act To Provide a Refund of Fuel Taxes to Maine Ambulance Companies
- L.D. 432 An Act To Exempt Fuel Purchased for Off-road Use in Commercial Construction and Wood Harvesting Equipment from Sales and Use Tax
- L.D. 614 An Act Regarding the Excise Tax Levied on Used Motor Vehicles
- L.D. 836 An Act To Exempt the American Legion and Veterans of Foreign Wars from the Sales Tax

This is notification of the Committee's action.

Sincerely,

S/Sen. Earle L. McCormick S/Rep. Adam A. Goode
Senate Chair House Chair

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

The Following Communication: S.C. 246

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

April 27, 2015

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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

- L.D. 366 An Act Regarding the Sale and Taxation of Hard Cider
- L.D. 1183 An Act To Strengthen the Craft Distillery Industry in Maine

This is notification of the Committee's action.

Sincerely,

S/Sen. Scott W. Cyrway S/Rep. Louis J. Luchini
Senate Chair House Chair

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

The President requested the Sergeant-At-Arms escort the Senator from Androscoggin, Senator **MASON**, to the rostrum where he assumed the duties as President Pro Tempore.

The President took a seat on the Floor.

The Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

SENATE PAPERS

Bill "An Act To Establish a Local Food Producers and Processors to Consumers Pilot Program"

S.P. 506 L.D. 1376

Presented by Senator LANGLEY of Hancock.
Cosponsored by Representative WARD of Dedham and Senators: EDGECOMB of Aroostook, SAVIELLO of Franklin, WHITTEMORE of Somerset, Representatives: CHAPMAN of Brooksville, HICKMAN of Winthrop, KUMIEGA of Deer Isle.

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

Sent down for concurrence.

Resolve, To Establish the Commission To Study the Reduction of Unfunded and Outdated Municipal Mandates
S.P. 507 L.D. 1377

Presented by President **THIBODEAU** of Waldo.
Cosponsored by Senators: **CUSHING** of Penobscot, **HAMPER** of Oxford, Representatives: **BEAVERS** of South Berwick, **GINZLER** of Bridgton, **PETERSON** of Rumford, **TEPLER** of Topsham, **TUELL** of East Machias, **TURNER** of Burlington.

Bill "An Act To Amend the Laws Governing the Issuance of Bonds and To Effectuate the Issuance of Bonds To Support Maine's Natural Resource-based Economy"
S.P. 508 L.D. 1378

Presented by Senator **KATZ** of Kennebec.
Cosponsored by Representative **MARTIN** of Eagle Lake and Senators: **COLLINS** of York, **GERZOFKY** of Cumberland, **LANGLEY** of Hancock, **SAVIELLO** of Franklin, **WHITTEMORE** of Somerset, Representatives: **BLACK** of Wilton, **MAKER** of Calais, **MAREAN** of Hollis.

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

Sent down for concurrence.

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

Heidi V. Neal, of Rockland, owner of the Loyal Biscuit Co., who has been named Small Business Person of the Year for Maine by the United States Small Business Administration. We extend to Ms. Neal our congratulations and best wishes;
SLS 381

Sponsored by President **THIBODEAU** of Waldo.

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

Senator **THIBODEAU:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I have the privilege this morning of speaking about a.

THE PRESIDENT PRO TEMPORE: The Senator will defer. Does the Senator request the Sentiment be read?

Senator **THIBODEAU:** Yes, thank you.

At the request of Senator **THIBODEAU** of Waldo, **READ.**

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

Senator **THIBODEAU:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I am so excited to tell you about some very special people from the Mid-Coast that I failed to allow the Secretary to read the report. Let me suggest to you that Heidi V. Neal was born and raised in Rockland, Maine and she was educated in local schools and graduated from Thomas College in Waterville with a background in banking and finance. It shouldn't be a surprise when she opened a pet store in 2010 that she chose the community she knew well to expand her business. With locations in Rockland, Belfast, Camden, and Waterville, Heidi and her team have successfully grown the Loyal Biscuit to a destination for pet lovers with supplies for dogs and cats. All four locations have a self-serve dog wash. Ladies and gentlemen, I think that's an exciting concept. The Loyal Biscuit believes in giving back to their communities by hosting fundraising events for local animal shelters and they have raised over \$30,000 and provided over 8,000 pounds of food in 2014 alone. We're very proud to recognize these young entrepreneurs as the recipients of the Small Business Administration Award for Maine's Small Business Person of the Year. Congratulations to Heidi and best of luck next week when they travel to Washington D.C. for the SBA's national award ceremony. Let me suggest to you that Heidi is a real treasure for the entire state of Maine and best of luck to her as she heads down to D.C. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, it's so wonderful to see young people starting businesses, particularly in the Mid-Coast area, in our district, and watch how they are thriving. It's not something we're seeing in a lot of areas, but in farming, particularly, and in these niche areas, it's been growing and it's been feeding our communities and I've been watching Loyal Biscuit for a while now and saying this certainly plays on one of our strengths because you might have noticed on your walks through the district that there seems to be more dogs and cats than people some days. What a great thing to go into and to expand and Heidi's done a great job in many different areas and, for winning this award, I'm so glad other people are recognizing her talents and I can't wait to see what you do in the future. Thank you very much.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize Maine's Small Business Person of the Year, Heidi Neal and her guest, Melody Knowlton. Would they please rise and accept the greetings and congratulations of the Senate.

Joint Resolution

On motion by Senator **DUTREMBLE** of York (Cosponsored by Representative LAJOIE of Lewiston), the following Joint Resolution:

S.P. 509

**JOINT RESOLUTION
DECLARING THE WEEK OF MAY 3, 2015
AS MAINE ARSON AWARENESS WEEK**

WHEREAS, May 3 to May 9, 2015 has been recognized as National Arson Awareness Week and its theme is Accelerant Detection Canines - Sniffing Out Arson; and

WHEREAS, according to the United States Fire Administration, from 2010 to 2012, an estimated 17,400 intentionally set fires in residential buildings were reported to fire departments across the country each year and these fires resulted in 275 civilian deaths, 800 civilian injuries and \$513,000,000 in property loss; and

WHEREAS, from 2010 to 2012, an estimated 9,000 intentionally set fires occurred in nonresidential buildings each year and these fires resulted in \$282,000,000 in property loss; and

WHEREAS, according to the Federal Bureau of Investigation, from 2009 to 2013, there was an average of 53,127 arsons reported with an average dollar loss of \$15,086 per incident; and

WHEREAS, in 2014, arsons in the State resulted in 7 fatalities, 12 injuries and over \$2,085,000 in property loss; and

WHEREAS, the use of accelerant detection canines at the scene of a fire saves time and money by allowing accelerants to be identified with fewer evidence samples and this efficiency reduces laboratory expenditures, speeds up investigations and provides a higher conviction rate; and

WHEREAS, the investigative skills of K-9 teams have a direct effect on the successful prosecution of arson cases and K-9 teams are one of the most beneficial tools in the fight against the crime of arson; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the week of May 3, 2015 as Maine Arson Awareness Week and to recognize the contributions accelerant detection canines make to fire departments, law enforcement agencies and their communities.

READ and ADOPTED.

Sent down for concurrence.

The President Pro Tempore requested the Sergeant-At-Arms escort the Senator from Waldo, Senator **THIBODEAU**, to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Androscoggin, Senator **MASON**, to his seat on the Floor.

Senate called to order by the President.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Postpone or Cancel an Open Hunting Season" H.P. 394 L.D. 570

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-89).**

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

READ ONCE.

House Amendment "A" (H-89) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Allow Licensed Foresters To Use Mechanics Liens" H.P. 324 L.D. 485

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish a Private Support Organization for the Maine Commission for Community Service"

H.P. 636 L.D. 916

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Ensure Appropriate Health Insurance Coverage for Prescription Eye Drops"

H.P. 396 L.D. 572

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-81)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-81)**.

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

READ ONCE.

Committee Amendment "A" (H-81) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act Concerning Commercial Vehicles at Canadian Weight Limits Traveling to Certain Points in the State"

H.P. 378 L.D. 554

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-85)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85)**.

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

READ ONCE.

Committee Amendment "A" (H-85) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Strengthen Recycling of Single-use Plastic Shopping Bags"

H.P. 219 L.D. 325

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-83)**.

Signed:

Senator:

BREEN of Cumberland

Representatives:

WELSH of Rockport
CHIPMAN of Portland
DUCHESNE of Hudson
HARLOW of Portland
MARTIN of Eagle Lake
TUCKER of Brunswick

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

Signed:

Senators:

SAVIELLO of Franklin
BRAKEY of Androscoggin

Representatives:

BUCKLAND of Farmington
CAMPBELL of Orrington
HANLEY of Pittston
WHITE of Washburn

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

Reports **READ**.

Senator **SAVIELLO** of Franklin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

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

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

Senator **BREEN**: Thank you, Mr. President. Good morning. Men and women of the Senate, I'd like to urge you to go with the Majority Report on this bill. The Majority realizes that L.D. 325 meets the top priority in Maine's statutory solid waste hierarchy, starting with the word "reduce" and then "reuse" and "recycle". The plastic bags that are covered in this bill are a product that poses a persistent litter problem in our trees, in our bush, on roadsides, in lakes, rivers, streams, and in the overall scheme of solid waste management single use plastic bags are what I would call low hanging fruit. Indeed, they are hanging fruit because we often see them hanging from our beautiful oaks and maples and many of our trees in our landscape. You may hear that one way to deal with this problem is that local municipalities should address this and use their own discretion to deal with the problem in their own areas. That solution, I feel, is remarkably unfair to retailers who need to have a plan for the state in order to supply their stores across the state with the proper equipment. I think it's also unfair to consumers who won't know what to expect, depending on which town they're in. Some might suggest that we should educate and not legislate on this issue. Unfortunately, we've been there and done that.

Starting in 2009, a stakeholder group of retailers and environmental groups got together, tried to make some headway on this issue. If you remember, there were a lot of sandwich boards outside retail stores that said, "Have you remembered your plastic bags?" I suggest that maybe you haven't seen those in a few years. I know I haven't seen them outside the retailers in my area. Also I'm not sure when the last time anyone was asked, "Would you prefer paper or plastic?" That question seems to have gone by the wayside. Maybe we should use fees, though, to try to steer consumer behavior. In my opinion, that's much too convoluted, onerous for retailers and for the State. In fact, the fiscal note on that suggestion is over \$100,000. The fiscal note on a five year phase out of this product is zero dollars.

Maybe we should promote more recycling. I visited Eco Maine, Southern Maine's state of the art recycling facility, a month or so ago. Unfortunately, the biggest problem in this state of the art recycling facility is these bags. As you know, many of them catch wind. They act like balloons, fly all over, even in indoor facilities. They latch onto axels and gears, causing very, very expensive shutdowns of large equipment, even in recycling facilities. Even when consumers do the exact right thing, they cause problems in our solid waste management program.

This proposal gives consumers and retailers five years to adjust and I think by the time 2020 comes along I have faith that the retail industry and the textile manufacturing industry will have come up with some fabulous reusable bags that give great opportunity for design, advertising, fundraising, and all sorts of stuff. Just make note, paper bags are left alone in this bill. It doesn't touch paper bags at all and there are some key exemptions. You'll still have plenty of bags to pick up after your dogs, I assure you. You'll have in-store bags for bulk items, meat, and things like that, and fruit. You'll have carry-out bags still from restaurants. Newspaper bags. We'll still have plenty of bags in our arsenal so we can pick up after our pets. Lastly, I just want to remind folks that Mainers have shopped and consumed retail goods for hundreds and hundreds of years before we had plastic bags and I have great faith that even when these bags are gone that Mainers will continue to shop and consume retail goods. Thank you, Mr. President.

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

Senator **SAVIELLO**: Thank you, Mr. President. Ladies and gentlemen of the Senate, bags, bags, and bags. A problem worthy of a ban? I say no. Worthy of legislation? I say no. My constituents at home ask me why are we spending time on this? Didn't you defeat this in the last legislature in the Senate 35 to zero? Why are we here? Well, the good Representative from the other Body shared a story. He told us he was coming home from New York and was seeing all these plastic bags in the trees. He told of viewing the same things in the other states as he passed through. I asked him what happened when he got home to Maine? He couldn't tell. It was dark out. In the last two months, after we started dealing with this bill, in my travels throughout the state, which is nearly 3,000 miles, I scanned the roads for plastic bags. In fact, my good friend sent me pictures of plastic bags. At first I counted six. I said, "Wait a minute, we all know that when the snow melts we find things in our yards we didn't know were there." I waited. I gained six more. Eleven bags. When I went to pick them up I was fortunate to find 20 returnable cans, so I made a profit by cleaning up the environment. My findings, I did not find a problem described to the committee.

Then I asked at home. I said, "Well, let me ask my constituents." Here are a few samplings I got. One big box store has a policy; you must use at least six items in the bag before it goes out the door. There were those in the hearing that said that they give out more bags so they can show their name. No, those bags actually cost money, but they made a decision to try to keep six items in a bag where they could, when there were similar items; one, to protect the environment and, two, because they cost money. By the way, this entity had a recycling box at its store. Another we heard about was that individuals use these bags to clean up after their animals. I also got a phone call, the third thing, from an elderly lady who called very concerned. She uses these bags as trash bags, recycle bags, and to help take care of her husband, as he is quite elderly. I looked at myself. I said, "What do I use them for, because I should have a whole bunch of them to throw out?" I found they can be used as packing materials, for my returnable bottles, and we use them as trash bags. My findings, they can be reused a lot more than I thought. The ones we have left we bring back to the receptacle for recycling.

As was pointed out, if we look at the bill itself, there are a number of things that are exempt. These are plastic bags used for bulk items such as fruit and vegetables; plastic bags provided by pharmacists; plastic newspaper bags, door hangers, laundry or dry cleaning bags; garbage bags; and, of course, reusable bags. My findings, that's pretty good. However, when I went out and looked in the field at the eleven bags I saw, five of them were the exemptions and most of them were the trash bags. Let's look at the bill a little further. This is really important because it's the third item on the bill. It requires all retailer stores, all, I want to emphasize that, whether they use plastic bags or not, have available during this time a reusable bag. I say that, every store. Every farm stand that's a retail stand; every Mom and Pop grocery store; and my store, an antique store where we do give out paper bags, not plastic bags. We're going to be required to have available a reusable bag. My findings, why penalize business? Two thoughts, one was already mentioned. If a town wants to do this please go ahead and do it, but when you do that be sure to give them my business card because we'd love to have

them come do business in the Town of Wilton. Finally, MRS 38, Chapter 16, already requires these bags be recycled. As I do my analysis, look around in the field and look around in the woods, I actually think it's working pretty well. I ask you to support the motion, Ought Not to Pass, and vote with the other Body. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Franklin, Senator Saviello to Accept the Minority Ought Not to Pass Report, in concurrence. 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 (#42)

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

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

ABSENT: Senator: GERZOFKY

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SAVIELLO** of Franklin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence **PREVAILED**.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Regarding the Packaging and Labeling of Disposable Cleaning and Personal Hygiene Products"

H.P. 263 L.D. 397

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

Signed:

Senators:
SAVIELLO of Franklin
BRAKEY of Androscoggin
BREEN of Cumberland

Representatives:
WELSH of Rockport
BUCKLAND of Farmington
CAMPBELL of Orrington
DUCHESNE of Hudson

HANLEY of Pittston
MARTIN of Eagle Lake
TUCKER of Brunswick
WHITE of Washburn

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

Signed:

Representatives:
CHIPMAN of Portland
HARLOW of Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Laws Governing the Prohibition on the Sale of Motor Fuel Containing Corn-based Ethanol"

H.P. 415 L.D. 602

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

Signed:

Senators:
SAVIELLO of Franklin
BREEN of Cumberland

Representatives:
WELSH of Rockport
BUCKLAND of Farmington
CAMPBELL of Orrington
CHIPMAN of Portland
DUCHESNE of Hudson
HANLEY of Pittston
MARTIN of Eagle Lake
TUCKER of Brunswick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-79)**.

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
HARLOW of Portland
WHITE of Washburn

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Reduce Waste from Disposable Bags"

H.P. 461 L.D. 680

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

Signed:

Senators:

- BRAKEY of Androscoggin
- BREEN of Cumberland
- SAVIELLO of Franklin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-84)**.

Signed:

Representatives:

- CHIPMAN of Portland
- HARLOW of Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Retrieving Wounded Bear"

H.P. 214 L.D. 320

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-76)**.

Signed:

Senators:

- DAVIS of Piscataquis
- CYRWAY of Kennebec
- DUTREMBLE of York

Representatives:

- SHAW of Standish
- ALLEY of Beals
- COREY of Windham
- CRAFTS of Lisbon
- HILLIARD of Belgrade
- LYFORD of Eddington
- MARTIN of Sinclair
- REED of Carmel
- WOOD of Greene

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

Signed:

Representative:

- SHORT of Pittsfield

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-76)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-76) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow Certain Businesses To Be Open on Easter Day, Thanksgiving Day and Christmas Day"

H.P. 426 L.D. 613

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

Signed:

Senators:

VOLK of Cumberland
PATRICK of Oxford

Representatives:

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

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

Signed:

Senator:

CUSHING of Penobscot

Representatives:

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Increase the Funding Level of the Local Road Assistance Program" (EMERGENCY)

H.P. 344 L.D. 505

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

Signed:

Senators:

COLLINS of York
DIAMOND of Cumberland
ROSEN of Hancock

Representatives:

BRYANT of Windham
FARRIN of Norridgewock
HOBART of Bowdoinham
HOGAN of Old Orchard Beach

PARRY of Arundel
POWERS of Naples
VEROW of Brewer

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-82)**.

Signed:

Representatives:

McLEAN of Gorham
GILLWAY of Searsport
GOLDEN of Lewiston

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide for the 2015 and 2016 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

S.P. 408 L.D. 1139

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-59)**.

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

READ ONCE.

Committee Amendment "A" (S-59) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator CYRWAY for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Regarding the Sale of Liquor"

S.P. 192 L.D. 523

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-61)**.

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

READ ONCE.

Committee Amendment "A" (S-61) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House

Bill "An Act To Amend the Maine Property Insurance Cancellation Control Laws"
H.P. 657 L.D. 954

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

House As Amended

Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities
H.P. 73 L.D. 90
(C "A" H-65)

Resolve, To Study Options for a State Demand Response Program
H.P. 244 L.D. 357
(C "A" H-75)

Bill "An Act Regarding Ethanol Motor Fuel"
H.P. 558 L.D. 824
(C "A" H-74)

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

Senate

Bill "An Act Regarding Aerial Pesticide Spray Projects"
S.P. 291 L.D. 817

Bill "An Act To Amend the Laws Relating to Group Trusts Established by Self-insurers of Workers' Compensation Benefits"
S.P. 338 L.D. 958

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Resolve, Authorizing the Bureau of General Services To Sell Certain Property to Kennebec County
S.P. 47 L.D. 114
(C "A" S-52)

Bill "An Act To Authorize Municipalities To Refund Amounts Collected in Excess of Tax Liens" (EMERGENCY)
S.P. 51 L.D. 118
(C "A" S-55)

Bill "An Act To Improve Permit Oversight for the Cutting of Christmas Trees and Evergreen Boughs"
S.P. 91 L.D. 253
(C "A" S-50)

Bill "An Act To Strengthen the Laws Prohibiting Stalking"
S.P. 160 L.D. 431
(C "A" S-49)

Bill "An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses"
S.P. 267 L.D. 737
(C "A" S-58)

Bill "An Act To Allow the Synchronization of Prescriptions"
S.P. 284 L.D. 810
(C "A" S-57)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Ensure Consistent Certification of Graduation Standards in Publicly Funded Secondary Schools
H.P. 6 L.D. 3
(C "A" H-70)

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.

Ordered sent down forthwith.

Emergency Measure

An Act Amending the Trap Limit for the Swans Island Lobster Conservation Area

S.P. 35 L.D. 98
(C "A" S-24)

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.

Ordered sent down forthwith.

Emergency Measure

An Act Regarding Gaming

H.P. 355 L.D. 516
(C "A" H-24)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 4 Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act To Amend the Laws Regarding the Maine Organ and Tissue Donation Fund

S.P. 197 L.D. 528

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.

Ordered sent down forthwith.

Emergency Measure

An Act To Allow School Administrative District No. 27 To Transfer Ownership of the St. Francis Elementary School to the Town of St. Francis

H.P. 717 L.D. 1048

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.

Ordered sent down forthwith.

Emergency Resolve

Resolve, To Require the Department of Health and Human Services To Provide Supplemental Reimbursement to Adult Family Care Homes and Residential Care Facilities in Remote Island Locations

H.P. 57 L.D. 63
(C "A" H-49)

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

Acts

An Act Concerning the Salary of Sheriffs

S.P. 30 L.D. 82
(C "A" S-25)

An Act To Designate Pure Maine Maple Syrup as the Official State Sweetener

H.P. 82 L.D. 110
(C "A" H-67)

An Act To Allow the Use of a Crossbow for Recreational Target Practice within 100 Yards of a Building without the Owner's Permission

H.P. 193 L.D. 275
(C "A" H-61)

An Act To Authorize a Temporary Medical Transfer of an Elver Individual Fishing Quota

H.P. 240 L.D. 353
(C "A" H-63)

An Act To Enforce Restrictions in Parking Spaces and Access Aisles Designated for Persons with a Walking Disability

H.P. 256 L.D. 390
(C "A" H-73)

An Act To Amend the Law Regarding Filing Fees for Proposed Transmission Line Projects

H.P. 287 L.D. 420
(C "A" H-71)

An Act To Amend the Powers and Duties of the State Board of Education

S.P. 157 L.D. 428

An Act To Repeal Outdated Statutory Sections Relating to Regional Ride Share Programs

S.P. 176 L.D. 447

An Act To Clarify Rulemaking for Transportation of Public School Students

H.P. 301 L.D. 462
(C "A" H-62)

An Act To Amend the Maine Economic Development Venture Capital Revolving Investment Program

S.P. 202 L.D. 586
(C "A" S-26)

An Act To Amend the Authorized Hours during Which Liquor May Be Sold and Purchased

H.P. 465 L.D. 684
(C "A" H-60)

An Act To Amend the Laws Related to the Bolduc Correctional Facility

S.P. 246 L.D. 688
(C "A" S-23)

An Act Relating to Insurance Licensing

H.P. 481 L.D. 705

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

Ordered sent down forthwith.

An Act To Ensure Proper Funding for Teacher Retirement

H.P. 54 L.D. 60
(C "A" H-14)

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

An Act To Improve Student Retention in Maine's Postsecondary Institutions

S.P. 84 L.D. 215
(C "A" S-21)

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

An Act To Improve Attendance at Public Elementary Schools

S.P. 126 L.D. 311
(C "A" S-22)

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

An Act To Protect the Environment from Fireworks Debris
H.P. 298 L.D. 459

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

An Act To Protect Maine Lakes

H.P. 392 L.D. 568
(C "A" H-66)

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

Resolves

Resolve, Directing the Maine Arts Commission, the Maine Historic Preservation Commission and the Maine State Museum Commission To Study the Replacement of Statues in the National Statuary Hall Collection

S.P. 99 L.D. 261
(C "A" S-34)

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

Resolve, To Study the Impact of Winter Ticks on the State's Moose Population

H.P. 92 L.D. 134

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (4/14/15) matter:

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Strengthen Maine's Election Laws by Requiring Photographic Identification for the Purpose of Voting"

S.P. 72 L.D. 197

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-27)** (5 members)

Tabled - April 14, 2015, by Senator **CYRWAY** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 14, 2015, Reports **READ**.)

Senator **CYRWAY** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise before you today to talk about L.D. 197, An Act to Strengthen Maine's Election Laws by Requiring Photographic Identification for the Purpose of Voting. Voting is an absolute right of the American people and one that should be protected. The voting process needs to be one that all citizens trust and can rely on to be accurate. As evidenced by the recent recount in Senate District 25, cynicism regarding Maine's election laws is prevalent. In the end no voter fraud was committed, but many speculated that it had. L.D. 197 aims to address the doubt that Maine voting laws are susceptible to voter fraud and eliminate any chances of it occurring in the future. According to the National Conference of State Legislatures, or NCSL, a total of 34 states have passed laws requiring voters to show some form of identification at the polls. In a poll conducted by Rasmussen in the summer of 2014 indicated that 74% of Americans support requiring some form of identification to vote.

Opponents of this bill will say that it inhibits a person's ability to vote. I do not agree. This bill provides citizens with a means to vote even if they do not have their I.D.s with them. Citizens simply have to sign a provisional ballot affidavit and then prove their identity to the election clerk within five business days. Alternatively, if the election clerk or official can personally attest the voter identity, as I'm sure in the case in many of Maine's towns, an affidavit could be signed by the clerk and the person may vote. Furthermore, for those folks who do not have a current identification card, one can be requested at no cost to the voter for this purpose.

I also think that providing an I.D. might actually speed up the voting process. It would take out any question regarding how to spell the voter's name. I have personally had trouble with this when having gone to vote. My name is routinely mispronounced and misspelled. Additionally, when voters have the same name as a relative, or a name close to someone else, then that can

cause confusion. An I.D. would quickly and efficiently alleviate these problems.

Finally, I would like to point out that you need to provide an I.D. in order to purchase alcohol, cigarettes, open a bank account, purchase a home, get on a plane, get married, purchase a gun, rent a hotel room, apply for hunting and fishing licenses, enter a casino, and purchase certain cold medicines. Certainly the right to vote should be highly regarded and as protected an act as purchasing cold medicine. For these reasons, I urge you to vote Ought to Pass as Amended. Thank you, Mr. President.

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is my bill, I proposed it, with a few modifications. It's been before us before. During the very controversial Senate race, Senate District 25, what really disturbed me a lot was the fact that there was a lot of finger pointing, allegations about the voting system here in Maine. I'm sure every member of this Body was somehow affected by it. The whispering, the finger pointing. Who's at fault? What happened? What are you guys and gals doing? That's what prompted me. Believe me when I tell you this, that was the primary reason why I submitted the bill. As time has evolved, I've talked to constituents in my district, not only in my district but in other districts throughout the state of Maine as well. After all, I've been here as a member of the Legislature for 13 years and one of the advantages of being a long-term member of this Body is that I can go just about anywhere in Maine and know somebody in that town. I use these folks as kind of sounding boards. You are right. You have to show an I.D. for a lot of different things. Just recently it was brought to my attention, a colleague of mine went in to buy a simple can of spray paint. He had an I.D. to get it, to buy a can of paint. We all know the reasons why. It's been noted in the newspapers again that some people breathe the gas that propels the paint. I don't know why, but they do. Anyways, it seems like it would be good policy for the State of Maine to have a photo I.D. when we go to vote. I'm astonished at the number of people that come to me and say, "Ron, I didn't know you didn't have to show a form of I.D. and go to vote. Where I was from before we had to show a form of I.D." I think it is just a prudent thing to do. I hope everybody in this Chamber votes with the current report, the Minority Ought to Pass Report, and it will be a unanimous vote. I think that will send a signal to the folks of Maine that we are serious about one of the most important things we do every year, go to the polls and vote. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise today in opposition to this motion because what I would say is, "Here we go again." Deja vu all over. Another attempt to find a solution that there's not a real problem. It doesn't exist in Maine. In fact, Maine is among the leaders in all aspects of elections across the state of Maine. We're known for our voter turnout and we're known for our quality, problem free elections. Do we have a few here and there? Yes, we do. Did we have a problem within that election in Senate District 25? Yes, we did. Like it was said, was

there voter fraud? No, there wasn't, Mr. President. This bill does actually not bring up voter fraud within it like many of the other times this bill has been before us, but this same bill brings me back just a session or two when I was reminded by the GOP Chair at the time, Charlie "there was rampant voter fraud" Webster.

THE PRESIDENT: The Senator will defer. Would leadership approach.

Senate at Ease.

Senate called to order by the President.

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

Senator **PATRICK:** Thank you, Mr. President. I can remember the words of Charlie Webster in the article in the newspaper stating that there were big white vans full of Black people voting all over the state. As a matter of fact, I did see the white vans in Rumford. They weren't full of Black people; there were only one or two people there. Like myself, I do have people that are going to take people to the polls that need a ride because I think that's a prudent thing to do because you don't want to allow anyone not to have the opportunity to vote. We all know that didn't happen, Mr. President. We heard of thousands of state college students who voted in Maine and in their home states. We knew this didn't happen. A former Secretary of State did a study of voter fraud. Believe it or not, of the millions of people that voted over the years there were only three or four cases of voter fraud that were brought and charged and convicted. I don't believe a photo I.D. would have had any effect on any of those charges. Nationally, I believe, the percentage of voter fraud across the country is .0001%. That, to me, is kind of small. It kind of says to me there's not a problem. We keep saying we want smaller government. What is this bill going to do? We keep saying we believe in local control. What is this bill going to do? Mr. President, I've been voting for 42 years as an adult and I've actually gone to the polls, stood by the polls for myself or other candidates, for the last 20 years and I have never witnessed any voter fraud. What I have witnessed is many people I did not know coming to the polls but never once wondered if they were going to commit a crime, voter fraud, to get another candidate elected.

Many groups came and testified in opposition to this bill and actually at the day of the hearing only one person, one citizen, came and said anything. The Maine Municipal Association opposed L.D. 197 because the municipal leaders of their policy committee do not believe there is a problem with voter fraud that needs to be solved by mandating this approach. They do not believe there is voter fraud. As a general rule, it is their belief that the election personnel in the town and city halls are extremely comfortable in the knowledge of their voters. Requiring photographic proof that you are who you say you are may make sense in other areas of the nation where there is a greater level of voter anonymity, but voter anonymity is not a problem in Maine. The Maine's Women Lobby testified in opposition. Equality Maine testified in opposition. The League of Women

Voters testified in opposition. The ACLU testified in opposition. The American Civil Liberties Union testified in opposition. The National Association of Social Workers testified in opposition. The Fairfield Town Clerk testified in opposition. The Maine Council of Aging testified in opposition. The AARP testified in opposition. If you combine their accumulative membership, it would be hundreds of thousands of people that they represent, came here to say we don't need voter I.D. legislation. This time around the Secretary of State also testified in opposition to it. Mr. President, ladies and gentlemen of Senate, colleagues and friends, follow my light and vote red on this issue. Thank you.

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, having lived through the drama of the Senate District 25 election and recount, I just want to set the record straight. While I appreciate the good Senator from York's concerns about the outcome of that race and the process related to that race, I'm here to tell you, unequivocally, that the election in that race was handled flawlessly. The problem lay in the recount. The election was handled flawlessly. The problem was in the recount. To that end, Representative Cooper and I have submitted a bill, L.D. 1127, and we have testified in front of the Veterans and Legal Affairs Committee. We are hopeful and optimistic that the committee will do its job and consider whether we need to make changes in the way Maine handles recounts; how the Secretary of State's Office handles recounts. I don't want that issue to be confused, at all, with the issue of election. It had nothing to do with the election, whatsoever. Thank you, Mr. President.

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, we show an I.D. for a lot of things. You even have to show an I.D. when you go into a union hall and vote. I have before me a picture that shows a man going into the union hall. Boeig contract extension vote. Big sign on the front door, "Picture I.D. Required to Vote." Something as simple as voting on a union contract. You've got to show an I.D. Something as important as electing the President of the United States should have the same requirement. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just to rise briefly. There was a study in 2012 from Carnegie Knights of all voters in the United States; 146 million. Of that there were potentially ten fraudulent ballots cast, which is one in 15 million ballots cast. I think this is a solution in search of a problem. I would urge you to follow me voting against this. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, friends and colleagues, we've talked about an issue here, and I know that we've talked about it before,

but I think it's important to give it the deference that it is due because it's not because we know that there is voter fraud out there but it's the integrity of the system. It is the act of voting that is before us today and how we respect that act and those who paid, in our history, a tremendous price to protect and provide that opportunity. Thirty-one states, Mr. President, 31 states now at least have some level of requirement for photographic I.D. in order to have your right to vote exercised. It's a simple process. In addition to that, when we write a check, when we go to certain movies, when we travel on an airplane, when we're renting a car, getting a hotel room, opening a bank account, applying for food stamps or welfare, unemployment, when we're getting married, adopting a pet, purchasing a hunting or fishing license, buying a cell phone, picking up certain prescriptions at our drug store, making a blood donation, buying certain games, purchasing nail polish at certain stores, jury duty, cash transactions over \$5,000. That's just a simple list of things for which we are now obligated to provide photo identification. Does not the privilege of voting deserve to be protected in the same manner? Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I feel compelled to speak on the point of what voting is. Voting is a right and we do need to protect it. I think probably the AARP was one of the people who came and spoke on how these photo I.D. requirements create a bar, create an impediment, for people participating in voting, who have a right to. Given the dearth of evidence that there is any fraud going on, I'm more concerned that one person one vote means that every person does get to vote, which this bill would impede. Thank you.

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

Senator **GERZOFSKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, déjà vu all over again. I believe the last time I got up and spoke on this bill was late on a Friday night in this Chamber and I got rather loud. I proved that my voice will carry down to the other end of this hall if I really want it to. Today I don't really want it to, but you can bring me to it. We talked before about this issue and it seems to come back to haunt us every couple of years. The last time I spoke I spoke about how fortunate my mother is to have me as her son because I'm a Senator. My mom's 90 years old. Some of you up here know her. She was very, very concerned about not having a photo I.D. to go vote, that they were going to make her show a photo I.D. and I couldn't calm her down. She hadn't had a driver's license for quite a few years. She was just petrified and so were a lot of my other senior citizens in my town. They were very concerned about this. Very confused about it. I was able to go to the Secretary of State at the time, Secretary Summers, and talk to him and he provided my mom with an I.D. It was a very old photo, but it was an I.D. that we could use. Now, Mr. President, all my constituents don't have a son that's a Senator. All your constituents don't either. You can pull some strings and get them taken care of. We shouldn't have to do that in this country. In this state, when we go to vote, we're doing it on our honor that, first of all, we know the people we're voting for, and we do here in Maine. We go into the voting polls to vote on our honor in this

state and we haven't had any history, except once, of voter fraud. We haven't had the problems that some other states have, where people aren't so well connected. I know that this speech isn't going to change a single vote in this Body. It never has and it never will, but it is going to be recorded. It is going to be noticed and somebody in the press is going to write it because we don't have a problem. We're trying to create a problem and we can sit there and make up all these excuses why we need a voter I.D., why we need I.D. in the first place with a picture on it. I don't have to show my picture I.D. to anything I do except fly. I can go into my bank, I can go to my pharmacist, and I can go anyplace else, just like our parents should be able to and our citizens, because we know each other. Mr. President, I hope that we vote properly today. I'm not going to change any of your minds, but I'm going to say what I've got to say, and you're going to hear me. Last time I said you were going to hear me on the other side of that door. My voice only gets louder. Today, we're in the sunshine and nobody's going out that door. Nobody's getting up and walking out because they're tired of hearing the debate. People are sitting in their seats because we all know this is important. Please, Mr. President, I thank you very much for allowing me to get up, speak a little bit, see if my voice is still clear and loud. This subject isn't what we should be here debating about because we don't have a problem to begin with. Please, follow my light when we start lighting this board up. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, it's a hard act to follow. I won't be that loud, but I would like to just make a reference to something that one of our Senators said today, and that is regarding photo identification for Health and Human Services services, and I would just like to, on the record, let folk, remind folks, that that is still optional. It is not mandatory. It is optional. Thank you.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise just to offer the following statement from the Lewiston City Clerk, Kathy Montejo, who, as many know, is one of the most well regarded city clerks and election registrars in the state, former President of the Maine Clerks' Association. She writes that she's opposed to this bill because she believes it will disenfranchise voters. As you know, not every voter has a photo I.D. She's very concerned about elderly voters, about disabled voters, about homeless voters, low income voters, and others. There are members of our community that do not have a current valid government issued I.D. I think everybody in this Chamber would acknowledge that's a fact. She sees this on a daily basis with people trying to obtain birth and death records. She understands that the bill has provisions for voters to obtain one for free for the purpose of voting, but getting to a DMV branch to obtain a card will pose difficulties to many residents of our state. Also many residents who have an I.D. may forget to bring it with them on election day and even though there is a provision in this legislation for them to bring it to the clerk after election day for a specified amount of time some of these voters may not be able to do so because of work schedules and other commitments. "This

bill could, potentially, disenfranchise many voters," she says. She's also concerned with the issue of the provisional balloting and the need to hire additional election workers at our polls to handle the new process. Potentially hiring workers to help tally provisional ballots several days after the polls have closed is also another issue. Even though our city has always been very supportive of the cost needed to run our local elections, they are already working around big budget cuts in every single municipal department. From my perspective, I am concerned that this bill, were it to pass, is not going to improve the situation for elder voters, for disabled voters, for low income voters, for homeless voters. This is going to make their ability to exercise their right, not their privilege, to cast a ballot more difficult. Thank you, Mr. President.

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

Senator **EDGECOMB:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is a situation, by the way, it disturbs me to hear that there is no election fraud in the state of Maine. I experienced this personally at a very small town when folks came in to vote. I'm only going to give you two examples of things that happened and I could cite many others. It did not do me a bit of good to complain about it because it was just brushed off. First, a gentleman walks in with ballots, absentee ballots, and the clerk was no more than five or six feet away and he put the ballots on the table and she looked at him. The clerk saw that I was looking and she said, "The voter needs to sign the envelope." The gentleman pulls out a pen to sign and she quickly looks at me. I said, "Oh, no. You can't sign. It needs to be the voter." By the way, he left with the ballots and he was back within five or ten minutes and he had other ballots with him. I don't know how that one got taken care of. The other one that disturbed me greatly was that a gentleman walked in. He was led by the arm and I tried to introduce myself to him and all I got was kind of a grunt out of him and that sort of thing. I paid close attention as to how this gentleman was going to vote. Again, very close by. The voting booths are right close by and the curtain was open. Someone took the gentleman by the arm and led him to the ballots and every time, no matter what order of the names on the ballot were, one name was read. "Do you want to vote for, let's say Johnny?" and the grunt came out. It happened that I was on that ballot and my initial was before the other person, but my name never got read. It is a situation that I probably will remember for the rest of my life, so I appreciate your listening. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I know that we are a reasonable state made up of folks who care deeply about our citizens. I'd like to pose, if the Chair would permit, two questions through the Chair for anyone who might be willing to respond. The first is, in this bill does it provide some contingency for individuals who may perhaps require a photo I.D. that would be unable to pay for that? Secondly, is there any contingency in the event that somebody is at the voting place and does not have photo identification?

THE PRESIDENT: The Senator from Penobscot, Senator Cushing poses two questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. I had my light on actually to speak on other issues, but I'd be glad to offer answers. I'm sure you are aware, in this bill there are provisions for each, but the nature of those is also part of the problem. Someone doesn't have their I.D. when they show up to vote, their vote is provisional. It's part of the issue that we heard about, that the clerks are concerned about having to count later, and it raises the question whether someone will, given their schedule, be able to come back and present that identification, have their ballot actually counted. If someone doesn't have an I.D. the cost of getting one from the State will be waived under the right conditions. That doesn't change the fact that for someone who is in a nursing home, very physically infirmed, or other people who have challenges for which this is raising a higher bar, an obstacle, to their participation in this process.

Let me speak to the other matters, however. We heard concerns, the good Senator Edgecomb, about practices in his voting place. While I would be appalled at those practices as well, they are not addressed by this bill. Those are not a matter of voter fraud, but voter procedural and voting staff failing to do the job they're supposed to do. Things which could, by anyone watching that process, be brought to the attention of the Secretary of State's Office or lawyers and find remedy. This process doesn't address the question of whether someone bringing in absentee ballots from people who, such as in nursing homes, are unable to be present. It doesn't address what their identities are. It doesn't address the process of how one securely conveys their opportunity to vote and their voted ballot back to the town, to the clerks. What we have in this bill is something which raises obstacles to citizens who have a right to vote, participate. It won't solve other issues this has nothing to do with. I think we should be doing the right thing here. If we are concerned about the rights of people to vote, and this being an important and essential process to our democracy, then we are equally as concerned about whether people that have a right to vote can as we are concerned about whether people could vote inappropriately. We don't have the evidence of a problem with the latter, but it's very clear, and we've heard a good deal of testimony about it, that people who have a right to vote will not end up being able to have their vote counted if this bill passes. That, for me, is a very serious problem. Thank you, Mr. President.

THE PRESIDENT: The Senator from York, Senator Collins, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I appreciate you allowing me to speak for a third time. I'll be very brief. When we all went to our town clerk in our respective towns to register to vote we had to show an I.D. to prove who we were, to be listed as an eligible voter in that community. You can all do the math, that was 47 years ago for me. I've never missed an election. I was always very proud to be a citizen of the state of Maine. I'll stand corrected, the great state of Maine. We have young people in front of us today who

are listening to this debate and I'll tell you folks, the most important thing you have to do is register to vote and vote consistently every year. 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 rise, first, just very confused about this debate and I just don't quite understand why we would be putting any barriers in front of any Mainer to vote. I always struggle with this conversation. I struggle with it even more because it seems like a pattern, not just in Maine but all over the country, that the Republican Party tries to put up barriers for people to vote and it just doesn't make sense to me. I think, together, it's a great country, a great state. We should be welcoming people in to vote, make sure that the voting is done credibly, and make sure that every person has the right to vote. Third, I would just bring to the attention of this esteemed Body that back in the 125th we made some election changes, ones that I did not support. We tried to eliminate same day voter registration. The people spoke pretty loudly. It was a 60 to 40 vote in 2011 to reject the changes that this Legislature made. I think the voters of Maine trust our election officials; trust that one person, when they go out to vote, they cast that vote. Finally, I find it, again, hard to kind of put all the pieces together around the election that we had in 2014 in Senate District 25. I think the good Senator from Cumberland, Senator Breen, said it correctly. The vote was done correctly. The recount was done very incorrectly. Just to make sure the record is straight, what happened on the recount is that we wanted to make sure that the vote on the recount was correct and our lawyer went to the Republican lawyer and said, "Can we recount this town, this island town?" The Republican lawyer said no. That started a ripple effect, because we felt those votes should be counted again. If we really want to unpack what happened in Senate District 25, we can absolutely go back and look at the recount. It is very clear that one lawyer got in the way of our election officials, the Secretary of State, to do their job. That is why a bill is going to be coming forward. Again, there's a lot of things that I think need to be put on the record, factually, and I'm glad that I had this opportunity to do so. 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'm glad the subject of the Senate District 25 recount was brought up because there was a quote in the paper from the legal counsel of the Maine Democratic Party, Kate Knox, who said that voter fraud has been a big issue for Republicans in the past and we hope that this time the Senate Republicans will take it seriously. Mr. President, I'm happy to say that Senate Republicans did take that issue very seriously and we got to the correct answer. We did that by appointing the Senator from Kennebec, Senator Katz, to a commission that did the work that the commission was supposed to do and we found out who the winner was in that election. We have a process. We followed it. We got the right answer.

This is a measured approach, this is a reasoned approach. There are not barriers here. As the Senator from York, Senator Collins, pointed out, we have to show an I.D. when we register to

vote. We have to do it, but that doesn't prohibit us from showing an I.D. when we move, in this state or another state. We can move out of state. It doesn't prohibit that. There are no barriers, especially when this bill provides a fiscal note that would provide I.D.s for those people who do not have one. It also is not a barrier when you have a period of time that is allowed that you can present an I.D. I'll tell you a story. I lost my I.D. one time when I went to get on an airplane. Realized it the day before I had to leave. Lost my I.D., couldn't find it. The Secretary of State has a process in place where you can get an I.D. on the same day that you request one by paying a small fee. This bill takes care of that.

Mr. President, one final thought and I'll sit down. I think that it is incredulous that we would claim that there is no voter fraud in Maine. I think that that's an incredulous statement and I think that there is proof of voter fraud in Maine, that this is a way to help crack down on that and protect the integrity of the election process. I'd encourage the membership to vote Ought to Pass. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Cyrway to Accept the Minority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#43)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, MASON, MCCORMICK, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT – MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFOSKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **CYRWAY** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-27) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later Assigned (4/23/15) matter:

Bill "An Act To Improve Science and Engineering Education for Maine's Students"

H.P. 303 L.D. 464
(C "A" H-43)

Tabled - April 23, 2015, by Senator **MASON** of Androscoggin

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-43)**, in concurrence

(In House, April 16, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-43)**.)

(In Senate, April 23, 2015, **READ SECOND TIME**.)

On motion by Senator **LANGLEY** of Hancock, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-43), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-60) to Committee Amendment "A" (H-43) **READ**.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, this is an amendment to the Committee Amendment on L.D. 464, An Act to Improve Science and Engineering Education for Maine's Students. In short, it would be the next generation in science standards. The State of Maine has worked on these standards for quite a while in conjunction with lots of other folks around the country. When this bill came in front of our committee we had grave concerns at the time about capacity out there in the field to adopt them. What swayed us in the committee was the number of science teachers that came in front of us and said they were using the standards, liked them, they were much better standards than what was currently being used, and asked us to adopt them. We did as a committee, but further going with the talking with the Department and their ability to get them out and in a good solid way and promulgate the rules, I put in this amendment to change the date by which the Department of Education is required to provisionally adopt the rules from December 31, 2015 to December 31, 2016. All this amendment does is just push this out a year and give them more time to promulgate the rules. I thank you and appreciate your indulgence.

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-60) to Committee Amendment "A" (H-43) **ADOPTED**.

Committee Amendment "A" (H-43) as Amended by Senate Amendment "A" (S-60) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-43) AS AMENDED BY SENATE AMENDMENT "A" (S-60) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Legalize, Tax and Regulate Marijuana"
H.P. 935 L.D. 1380

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

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

Bill "An Act To Establish Transportation Network Company Insurance"
H.P. 934 L.D. 1379

Comes from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Off Record Remarks

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

On motion by Senator **HAMPER** of Oxford, **ADJOURNED** to Thursday, April 30, 2015, at 10:00 in the morning.