

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

In Senate Chamber
Tuesday
May 12, 2015

Senate called to order by President Pro Tempore Garrett P. Mason of Androscoggin County.

Prayer by Pastor David Smith, First Congregational Church in Wilton.

PASTOR SMITH: Faithful and just God, our prayer is that Your spirit will be here in this room as important matters are deliberated and voted on that affect every person in the state of Maine. In turn the decisions that are made in this room can, hopefully, enhance the lives of many people. Democracy is a fragile, learning, complicated, and sometimes long process that we pray will be appreciated by as many people as possible. It is also a growing process that will help make the state of Maine a better place to live, work, and even play. In Your name we pray. Amen.

Pledge of Allegiance led by Senator Andre E. Cushing, III of Penobscot County.

Reading of the Journal of Thursday, May 7, 2015.

Doctor of the day, Jennifer Wilkinson, MD of Portland.

Off Record Remarks

The Following Senate Communication: S.C. 300

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

May 11, 2015

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

Dear Secretary Priest:

Pursuant to my authority under Senate Rule 201.3, I am pleased to appoint the Senator from Androscoggin, Senator Mason to serve as President Pro Tempore. With this appointment Senator Mason will serve as President Pro Tempore for the start of the regularly scheduled session on May 12, 2015.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Prohibit the Use of a Mobile Telephone When Operating a Motor Vehicle Except in Hands-free Mode"
S.P. 60 L.D. 185
(S "A" S-51 to C "A" S-13)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-13)** (6 members)

In Senate, April 16, 2015, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-13)**.

In House, April 21, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

In Senate, April 23, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-13) AS AMENDED BY SENATE AMENDMENT "A" (S-51)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **INSISTED**.

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Extend Options for Publicly Funded Projects"
S.P. 348 L.D. 1008

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

Minority - **Ought to Pass** (6 members)

In Senate, May 6, 2015, on motion by Senator **WHITTEMORE** of Somerset, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Rep. Mitchell of Penobscot Nation was absent.

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 Honorable Susan A. Sparaco of Farmingdale, for reappointment as a District Court Judge be confirmed.

Signed,

S/David C. Burns
Senate Chair

S/Barry J. Hobbins
House Chair

READ and **ORDERED PLACED ON FILE**.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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.

COMMUNICATIONS

The Following Communication: S.C. 290

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

May 6, 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 Judiciary has had under consideration the nomination of Honorable Susan A. Sparaco of Farmingdale, for reappointment as a District Court Judge.

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	2	Burns of Washington, Johnson of Lincoln
	Representatives	10	Hobbins of Saco, Evangelos of Friendship, Ginzler of Bridgton, Guerin of Glenburn, Herrick of Paris, McCreight of Harpwell, Monaghan of Cape Elizabeth, Moonen of Portland, Sherman of Hodgdon, Warren of Hallowell

NAYS 0

ABSENT 1 Sen. Volk of Cumberland

ROLL CALL (#57)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BREEN, BURNS,
COLLINS, CUSHING, CYRWAY, DAVIS,
DIAMOND, DILL, DUTREMBLE, EDGEComb,
GERZOFsky, GRATWICK, HAMPER, HASKELL,
HILL, JOHNSON, KATZ, LANGLEY, LIBBY,
MCCORMICK, MILLETT, PATRICK, ROSEN,
SAVIELLO, VALENTINO, VOLK, WHITTEMORE,
WILLETTE, WOODSOME, THE PRESIDENT PRO
TEMPORE – GARRETT P. MASON

ABSENT: Senators: BRAKEY, MIRAMANT, THIBODEAU

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, 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 the Honorable **Susan A. Sparaco** of Farmingdale for reappointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 288

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

May 6, 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 Judiciary has had under consideration the nomination of Honorable Roland A. Cole of Wells, for reappointment as a Superior Court Justice.

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	2	Burns of Washington, Johnson of Lincoln
	Representatives	10	Hobbins of Saco, Evangelos of Friendship, Ginzler of Bridgton, Guerin of Glenburn, Herrick of Paris, McCreight of Harpswell, Monaghan of Cape Elizabeth, Moonen of Portland, Sherman of Hodgdon, Warren of Hallowell
NAYS		0	
ABSENT		1	Sen. Volk of Cumberland

Rep. Mitchell of Penobscot Nation was absent.

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 Honorable Roland A. Cole of Wells, for reappointment as a Superior Court Justice be confirmed.

Signed,

S/David C. Burns
 Senate Chair

S/Barry J. Hobbins
 House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#58)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE – GARRETT P. MASON

ABSENT: Senators: BRAKEY, THIBODEAU

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, 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 the Honorable **Roland A. Cole** of Wells for reappointment as a Superior Court Justice was **CONFIRMED**.

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

The Following Communication: S.C. 289

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

May 6, 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 Judiciary has had under consideration the nomination of Honorable Peter J. Goranites of Cumberland, for appointment as an Active Retired District Court Judge.

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 2 Burns of Washington, Johnson of Lincoln
Representatives 10 Hobbins of Saco, Evangelos of Friendship, Ginzler of Bridgton, Guerin of Glenburn, Herrick of Paris, McCreight of Harpswell, Monaghan of Cape Elizabeth, Moonen of Portland, Sherman of Hodgdon, Warren of Hallowell

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, 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 the Honorable **Peter J. Goranites** of Cumberland for appointment as an Active Retired District Court Judge was **CONFIRMED**.

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

NAYS 0
ABSENT 1 Sen. Volk of Cumberland
Rep. Mitchell of Penobscot Nation was absent.

The Following Communication: S.C. 291

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

May 4, 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. 1249 An Act To Bring Equity to the State Portion of the Education Funding Formula as It Applies to Regional School Unit No. 35
- L.D. 1281 An Act To Reduce the Burden on Local Communities of Transportation Costs for Special Needs Students
- L.D. 1282 An Act To Support Conservation and the Health and Wellness of Maine Youth through Physically Active Residential Environmental Education Programs

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**.

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 Honorable Peter J. Goranites of Cumberland, for appointment as an Active Retired District Court Judge be confirmed.

Signed,

S/David C. Burns
Senate Chair

S/Barry J. Hobbins
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#59)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE – GARRETT P. MASON

ABSENT: Senators: BRAKEY, THIBODEAU

The Following Communication: S.C. 292

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

May 7, 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 Environment and Natural Resources has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 153 An Act To Amend Setback Requirements and Standards Related to Species Migration under the Laws Regulating Development near Vernal Pools

L.D. 1043 An Act To Strengthen the Overboard Discharge Removal Grant Program

This is notification of the Committee's action.

Sincerely,

S/Sen. Thomas B. Saviello S/Rep. Joan W. Welsh
Senate Chair House Chair

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

The Following Communication: S.C. 293

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

May 6, 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 bill(s) out "Ought Not to Pass":

- L.D. 608 An Act To Allow Junior, Senior and Veteran Hunters To Shoot Antlerless Deer on the Opening Day of Hunting Season
- L.D. 639 An Act To Allow Certain Youths To Take a Deer of Either Sex
- L.D. 811 An Act To Benefit Senior Hunters
- L.D. 926 Resolve, To Increase the Number of Days a Junior Hunter May Hunt Deer

This is notification of the Committee's action.

Sincerely,

S/Sen. Paul T. Davis S/Rep. Michael A. Shaw
Senate Chair House Chair

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

The Following Communication: S.C. 294

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

May 5, 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 bill(s) out "Ought Not to Pass":

- L.D. 976 An Act To Eliminate Unnecessary Regulatory Burdens on Motor Vehicle Dealer-to-dealer Transactions
- L.D. 1101 An Act To Adopt a Retail Workers' Bill of Rights
- L.D. 1217 An Act To Require at Least 2 Weeks' Advance Notice of the Work Schedule for Hourly Employees at Certain Businesses
- L.D. 1351 An Act To Ensure that Membership of Public Employees in Unions is Voluntary

This is notification of the Committee's action.

Sincerely,

S/Sen. Amy F. Volk
Senate Chair

S/Rep. Erin D. Herbig
House Chair

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

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

May 8, 2015

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

The Following Communication: S.C. 295

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

Dear President Thibodeau and Speaker Eves:

May 7, 2015

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 bill(s) out "Ought Not to Pass":

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

- L.D. 36 An Act To Increase the Minimum Wage
- L.D. 52 An Act To Adjust Maine's Minimum Wage
- L.D. 72 An Act To Increase the Minimum Wage
- L.D. 77 An Act To Raise the Minimum Wage
- L.D. 487 An Act To Provide for an Increase in the Minimum Wage
- L.D. 739 Resolve, To Establish a Working Group To Evaluate the Benefits and Detriments of Increasing the Minimum Wage
- L.D. 843 An Act To Raise the Minimum Wage and Index It to the National Average Wage

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 bill(s) out "Ought Not to Pass":

- L.D. 984 An Act To Authorize the Dispensing of Eyeglasses with an Expired Prescription
- L.D. 1093 An Act Regarding the Municipalities to Which the Maine Uniform Building and Energy Code Applies
- L.D. 1120 An Act To Repeal the Maine Uniform Building and Energy Code
- L.D. 1353 An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment

This is notification of the Committee's action.

Sincerely,

S/Sen. Amy F. Volk
Senate Chair

S/Rep. Erin D. Herbig
House Chair

This is notification of the Committee's action.

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

Sincerely,

S/Sen. Amy F. Volk
Senate Chair

S/Rep. Erin D. Herbig
House Chair

The Following Communication: S.C. 296

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

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

May 7, 2015

The Following Communication: S.C. 298

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

Sincerely,

S/Sen. Scott W. Cyrway
Senate Chair

S/Rep. Louis J. Luchini
House Chair

Dear President Thibodeau and Speaker Eves:

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

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

- L.D. 439 An Act To Prohibit Excessive Idling of Passenger Trains
- L.D. 901 An Act To Ensure Sustainable Infrastructure Funding

The Following Communication: H.C. 140

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

May 7, 2015

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

This is notification of the Committee's action.

Sincerely,

S/Sen. Ronald F. Collins Senate Chair
S/Rep. Andrew J. McLean House Chair

Dear Secretary Priest:

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

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

The Following Communication: S.C. 299

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

Sincerely,

S/Robert B. Hunt
Clerk of the House

May 11, 2015

READ and **ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 297

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

Dear President Thibodeau and Speaker Eves:

8 May 2015

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 bill(s) out "Ought Not to Pass":

- L.D. 189 An Act To Prohibit Undisclosed Political Spending
- L.D. 923 An Act To Create Jobs and Increase Consumer Wine Choice
- L.D. 1067 An Act To Protect the Maine Clean Election Fund

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 455, "An Act To Prohibit Deceptive Practices Regarding Negotiable Instruments."

This is notification of the Committee's action.

This bill makes it a deceptive trade practice to solicit a loan by sending a document that looks like a live check, unless the document states that it is not a negotiable instrument. This is an issue that need not be addressed by a permanent change in Maine law.

First, the practice likely is prohibited by the existing broad language of the Maine Unfair Trade Practices Act. In keeping with that statute, the Attorney General has pursued potential violations of current law. In fact, an out-of-state company recently signed an Assurance of Discontinuance agreeing not to solicit business or engage in marketing by mailing live checks or documents that appear to be live checks into Maine. The problem has been fixed in the manner prescribed by law.

Furthermore, I am concerned about amending the Maine Uniform Deceptive Trade Practices Act, which is written in broad terms and has not been amended since 1973, by adding this one very specific provision. It is unwise to add specific prohibitions to a statute that is worded broadly unless the Legislature intends to enumerate all such prohibitions in the future. I doubt it intends to do so, and now is not the time to start.

For these reasons, I return LD 455 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Prohibit Deceptive Practices Regarding Negotiable Instruments

S.P. 184 L.D. 455

The President Pro Tempore laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

Senate at Ease.

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

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

Senate at Ease.

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

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (3/3/15) matter:

JOINT ORDER - Expression of Legislative Sentiment Recognizing the Elite All Stars of Maine Cheer and Dance team, of Westbrook

SLS 171

Tabled - March 3, 2015, by Senator **DIAMOND** of Cumberland

Pending - motion by same Senator to **PASS**

(In Senate, March 3, 2015, **READ**.)

The Joint Order was **READ**.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's really an honor to stand before you. What you're hearing about, this team, the Elite All Stars of Maine Cheer and Dance team, has accomplished even more than when this sentiment was actually presented for your consideration. This is truly an outstanding number of young athletes. These female athletes have accomplished something never before accomplished by any Maine cheering team. Not only did they get an invitation, after several competitions up and down the Eastern seaboard from Georgia to Maine, to the National Competition in Orlando, at Disney World, they competed recently and came in, out of the entire country, thirteenth. The first time any Maine team has ever been invited, one, and, secondly, doing so well. I'm very, very proud of them. They demonstrated not only their athletic ability but their tenacity. It's not easy. The Senator from Kennebec, Senator McCormick's great-niece serves on that and she's also my granddaughter. I can tell you first hand the kind of hours they put into all of this. They are led by their coach, Lynette Morency, and also their coach, Devin Rheaume, who have worked so hard with these young ladies. They are here today with the owner of the school, Julie Vilinsky, and they are here to say how proud they are to represent Maine and all they've done to represent this great state. Thank you for your recognition. Thank you for allowing this sentiment to be presented. I would add one more thing. The coach of this team, Coach Lynette, is also the coach of the Lewiston High School State Champion Cheerleading team. You've got some expertise here. By the way, just on a side note, the Senators in this Chamber that have athletes on this team include the following Senators: Senator Breen, Senator Valentino, Senator Libby, Senator Woodsome, and Senator Haskell. You all can be very, very proud of these young ladies. Thank you, Mr. President. Thank you, ladies and gentlemen of the Senate.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize the members of the Elite All Stars of Maine Cheer and Dance team of Westbrook. They are in the rear of the Chamber. Would they please rise and accept the congratulations of the Maine Senate.

Off Record Remarks

SENATE PAPERS

Bill "An Act To Reduce Electric Rates for Maine Businesses" (EMERGENCY)

S.P. 519 L.D. 1398

Presented by Senator MASON of Androscoggin. (GOVERNOR'S BILL)

Cosponsored by Representative DUNPHY of Embden and Senators: CUSHING of Penobscot, President THIBODEAU of Waldo, WOODSOME of York.

Bill "An Act To Improve Natural Gas Price Competitiveness for Maine's Manufacturers"

S.P. 520 L.D. 1399

Presented by Senator BURNS of Washington. (GOVERNOR'S BILL)

Cosponsored by Representative MAKER of Calais and Representative: TURNER of Burlington.

Bill "An Act To Focus Energy Laws on Energy Cost"

S.P. 521 L.D. 1400

Presented by Senator WOODSOME of York. (GOVERNOR'S BILL)

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

Sent down for concurrence.

Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Court Reporters and Legal Recorders

S.P. 522 L.D. 1404

Presented by Senator KATZ of Kennebec.

Cosponsored by Representative DION of Portland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Amend the Licensing Laws of the Maine Fuel Board"

S.P. 523 L.D. 1405

Presented by Senator CUSHING of Penobscot. Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Resolve

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula" (EMERGENCY)

H.P. 944 L.D. 1394

Reported that the same be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, pursuant to Resolve 2013, chapter 114, section 10.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

Pursuant to Statute

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Implement the Recommendations of the Government Oversight Committee To Ensure Legislative Review of Reports Submitted by Quasi-independent State Agencies"

H.P. 945 L.D. 1395

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, pursuant to the Maine Revised Statutes, Title 3, section 997, subsection 2.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Individuals from Breaches of Trust by Clergy Members"

H.P. 390 L.D. 566

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-111)**.

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

Report **READ**.

On motion by Senator **ROSEN** of Hancock, Report **REJECTED**.

Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

The Committee on **TRANSPORTATION** on Resolve, To Establish the Commission To Study Parking for Persons with Physical Disabilities

H.P. 621 L.D. 902

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-116)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-116)**.

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

READ ONCE.

Committee Amendment "A" (H-116) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Direct the Department of Public Safety To Establish a Public Safety Answering Point for the Passamaquoddy Indian Reservation at Indian Township"

H.P. 412 L.D. 599

Reported that the same be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington

Representatives:

FOWLE of Vassalboro
DAVITT of Hampden
GERRISH of Lebanon
LAJOIE of Lewiston
LONG of Sherman
NADEAU of Winslow
THERIAULT of China
TIMMONS of Cumberland
WARREN of Hallowell

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

Signed:

Senator:

GERZOFISKY of Cumberland

Representative:

CHENETTE of Saco

Comes from the House with the Majority Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Pursuant to Resolve

Senator **LANGLEY** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Commission To Study College Affordability and College Completion" (EMERGENCY)

S.P. 524 L.D. 1406

Reported that the same be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, pursuant to Resolve 2013, chapter 109, section 8.

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

Ought to Pass

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make the Law Regarding Critical Incident Stress Management Teams More Beneficial and Effective"

S.P. 448 L.D. 1243

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

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

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

Sent down for concurrence.

Senator WHITTEMORE for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley (EMERGENCY)

S.P. 413 L.D. 1161

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

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

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

Sent down for concurrence.

Ought to Pass As Amended

Senator WHITTEMORE for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Provide Consumers of Health Care with Information Regarding Health Care Costs"

S.P. 229 L.D. 636

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-74)**.

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

READ ONCE.

Committee Amendment "A" (S-74) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Extending Workers' Compensation Benefits to Certain Employees of the Office of the State Fire Marshal Who Contract Cancer"
S.P. 59 L.D. 125

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

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

READ ONCE.

Committee Amendment "A" (S-76) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Permit Hair Braiding without a Barbering or Cosmetology License"

S.P. 296 L.D. 847

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-82)**.

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

READ ONCE.

Committee Amendment "A" (S-82) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator WHITTEMORE for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey the Parcel of Land in Kittery Known as John Paul Jones Memorial Park to the Town of Kittery

S.P. 278 L.D. 780

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-80)**.

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

READ ONCE.

Committee Amendment "A" (S-80) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Workers' Compensation Laws as They Pertain to Employee Representation"

S.P. 29 L.D. 81

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-79)**.

Signed:

Senator:

PATRICK of Oxford

Representatives:

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

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

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

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

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Thank you, Mr. President. Our goals in this building should be to decrease hostility between employers and employees. Unfortunately, L.D. 81 would do the opposite, encouraging contentiousness by requiring that a representative selected by an employee be present during every meeting upon request. I'd like this Body to note that Worker's Comp law already permits a physician or a surgeon of the employee's choosing to be present at medical exams. If employees are permitted to request anyone what if they request a co-worker and it causes a machine to be shut down or if it's an outsider do they need to be paid? If so, who sets the rate? Who pays? Who coordinates that meeting? The amendment clarifies that a representative requested can include a family member, but we heard testimony in committee that family members are often present at meetings between employers and employees. Lastly, there is no timeframe in this bill, so we can imagine a scenario whereby an employer and employee are meeting and half way through the meeting the employee decides that they would like to request to have a representative present. Logistically, this is impossible and the request is denied, yet the meeting continues. Does this mean that the entire meeting is inadmissible, including any conversation and agreements? This bill, unfortunately, would change the definition of duress in our Worker's Comp statute and it would threaten employer-employee relationships all around the state of Maine for all sized employers. Please support the pending motion.

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I brought this bill forward in the last session. The bill was passed and it was vetoed by the Governor. I then stated I believed this bill had merit and I think it still has merit today. As a matter of fact, the bill before you is actually the amended version of the bill last time. This bill expands the list of statements that are inadmissible in the proceedings under the Maine Worker's Compensation Act of 1992 to include statements obtained after continued questioning of an employee by an investigator, employer, employer's representative after that employee's request to have a representative of the employee's choice present has been denied. I brought this bill forward, Mr. President, because I actually had a local problem within the plant that I worked with. It was funny because it's hard to believe that I actually do put in grievances once in a while as a union member. About three years ago at that grievance meeting the H.R. director, who used to be a nurse, actually told the union president prior to my grievance meeting that they were no longer going to allow anyone to come in when someone sees a third party doctor. I thought it was kind of weird because we had that procedure allowed for 20 years. I said to myself, and I said to my union president, "What changed?" Low and behold, Mr. President, what we found out was that prior to that meeting there was actually a meeting, which I will say was a meeting that was an abuse of power and basically perpetrated

fraud against workers because within the Worker's Comp system the mission statement is the "Board's mission is to serve the employees and employers of the state fairly and expeditiously by ensuring compliance with the Worker's Compensation laws, ensuring the prompt delivery of benefits legally due, promoting the prevention of disputes, utilizing dispute resolution to reduce litigation, and facilitate labor-management cooperation." The meeting that was called was called by the company, the Chief Executive's office, where several e-mails went back and forth and they decided to have a clandestine meeting. Actually it was an hour and a half to two hour meeting at New Page where the company laid out the problems that they were having. They wanted to try to save money on their wood supply. They wanted to try to lower their taxation. It's awful funny, they wanted to try to save \$2.4 million. How were they going to do that, Mr. President? What they wanted to do was stop the hearing officer that was meeting with the injured workers, as tradition, in Auburn. They wanted to rotate the hearing officers and pick three of whoever Executive Director Sighinolfi wanted to. They thought it was a good idea. I don't know how that meeting is fair, is just, because there was one person missing in that meeting, a union representative or injured workers. You talk about abuse of power and throwing the whole dynamics of the Worker's Comp system in flux, in fairness. I really disdain at the thought that we look at fairness, we look at saving money, we look at doing the right thing. When a company can call the Executive's Office and say, "Hey, I want you to help me save money at the expense of injured workers," I think we have a problem. Since that time, Mr. President, there have been at least eleven decisions against working men and women. Out of those eleven decisions ten of those decisions went for the company and one went for an injured worker. The fair and balanced system, a system that actually was probably 50-50 or 55-45 on behalf of the company, now is probably 92%. You take a look at the situation.

In my 35 years at that company probably about 20 times in 25 years has anyone asked to have a representative come in. Twenty times in 35 years. That's not every time, Mr. President. The way the Worker's Comp system works is if you get injured what happens? In the first ten days the company has the right to choose a doctor, a 206 exam. You have to see that doctor. From there you get to choose your own treating physician. If you don't get healed up in a significant amount of time the company has the right to send you to one of their doctors, which is a 207 exam, and the only place in statute, Mr. President, that says that you can bring your own doctor or representative is in the 207 exam. That's the only place. We're finding more and more now, Mr. President, because the adversarial role that's already out there, that, with the 207 exam doctor, the injured employee is using their own doctor to go into a 207 exam. After the 207 exam you have a 312 examiner, which is a guy who actually has the ultimate authority in your case. It isn't willy-nilly.

The thing of it is that I brought that bill forward because I thought it was an isolated, individual case with a bad player, New Page, and their cronies in the H.R. department, but have come to find out there's all kinds of this going on all around. You say, "What's going on?" Well, in our plant if you are injured you get to go down to first aid and tell the doctor exactly what's going on. "I'm having sharp, excruciating pain in my shoulder, radiating down into my elbow. My fingers are tingling and the like." All of a sudden you read the doctor's report, after you walk away, and it says muscle strain. Well this bill is to make sure that when you go and see a doctor, or the H.R. director, who's highly trained and

highly educated, or a comp advocate for the company, that if you do feel comfortable. We actually had testimony by a guy about 6'4" and weighing 250 pounds that he had been injured and because of the chronic pain he was in he didn't even have the faculties and the knowledge and the understanding of his rules and regulations and rights that he could bring someone there or ask someone. He actually did ask for someone to be there and they denied it. Come to find out the guy was basically asked to leave work for six weeks. He ended up getting a lawyer and was able to finally, after months of hearings, protracted hearings, get his money that he had coming to him and probably should have.

The funny thing of this is, you know, there are rules and regulations with doctors and the standards they must adhere to, but it's a funny thing when you become a Worker's doctor. It's a third party doctor who is paid directly. It's an outside contractor that's being paid by the company to their will. You wouldn't think it would be that way because I know doctors have to take their Hippocratic Oath, but my estimation, from what I've seen, there are those that once they become a company doctor they probably take their hypocrite oath, which, in fact, is not good because I actually have a lot of respect for doctors, especially the good players. Can you imagine the stress that one must be under if you're an injured worker for the first time. You're going to go into a position where somebody is going to be able to write something down that negates your possible claim.

I can give you one example that I went through. In the paper industry, years ago, we had chlorine. We had a chlorine leak and we had to run for our lives. Well, we did run through the green cloud and you had an escape respirator. A little small one. You try to get that on before you inhale the gas. Several of us went down to first aid and explained to them we went through a green chlorine gas cloud in the basement of the beater room. Low and behold, what did the doctor put down? John has flu-like symptoms. Flu-like symptoms. Didn't put anything about the chlorine gas cloud. Didn't say that there were five other witnesses. Flu-like symptoms. Took me 16 years of my life to get over the bronchitis, the walking pneumonia, the pneumonia that I faced year after year after year. I said to myself, "Flu-like symptoms." Eyes burning, throat raw, lungs burning. Flu-like symptoms. I could give you many, many stories like that that happens all the time to an injured employee not knowing. I'm not a lawyer. There isn't a single employee in the state of Maine that's a lawyer. Maybe we probably should before you get a job. I don't care if you work in a big factory or a Mom and Pop store. The Worker's Comp manual, 141 pages long, most lawyers nowadays can't even figure the law out.

The undue stress and duress that an injured employee has is one factor, but I'm also going to say another thing; I feel sorry for a doctor who has to sell his soul to the devil because I think most people would rather take their trade and earn it honestly versus going to be a company doctor. I even actually have some facts that we had a company doctor. We've had several of them for many, many years. They got rid of this guy. Actually, he got done and finally came to his senses. This doctor wrote, "I would like you to note the medical report slips for Boise Cascade Paper Group, when I was working as medical director. If you check them regarding so-and-so, when I saw him for his foot pain I checked off subject to check because of harassment and stress I received from management. They threatened to terminate my employment if I checked off occupational causation. Management told me it was their decision to decide if an injury or illness was work related and not a licensed medical physician's

decision, who was board certified in occupational medicine." This is just one company, Mr. President, because I actually can trace back to Bath Iron Works and some of the big corporations. These same skills go back and forth. They rotate around. Stay there for a while. I actually think when I gave this testimony the Executive Director went after this doctor, which I actually blame the company more than I do the doctor.

What does this bill actually do, Mr. President? It falls within the Section 311, inadmissible statements. "No statement of any kind made by the injured employee, whether written or oral, recorded or unrecorded, may be admitted into evidence or considered in any way in any proceeding under this act if it was obtained by means of duress as part of the investigator, employer, or employer's representative." It's inadmissible statements. It's within the context of the law already, Mr. President. This is going to add one more small section under duress. It's not all-encompassing because under duress already, Mr. President, for the purposes of this section duress is not limited to its common law definition but includes implied or expressed threats relating to the employment of the employee or the employment of a relative of the employee; implied or expressed threats of extensive litigation and appeals of the employee's claim; misleading, false, or incomplete statements of law or any misleading, false, or incomplete legal opinion given to the employee relating to the employee's eligibility for benefits under this act; misleading, false, or incomplete statements of fact knowingly made by the employer; the taking of unfair advantage of an employee's physical, mental, or economic problems and shortcomings; and interrogations or investigations conducted under such circumstances as to be severely intimidating to the employee.

Can you imagine, Mr. President, you hurt your shoulder, you hurt your back, you hurt your arm. They hand you a little green thing that tells you your rights. Within that book it does not say anything about what constitutes duress. Most people, from the Mom and Pop up to the big companies, when they get hurt their life changes. Adversely changed because most of the time, if you're only going to get two-thirds or 80% of your pay, you're not able to work, the loans aren't going to get paid and everything else. The way I look at it, Mr. President, this is a small change that's going to protect an employee if an employee goes down to first aid. Like I said, in my estimation in 35 years it's happened 20 times. It doesn't happen all the time because, believe it or not, most employees-employers get along. They actually get along and most employers that I know of want to take care of their employees. It could be my mother, my father, my aunt, my uncle. If I am injured and I go into that meeting and you have someone there that asks me questions that befuddle me, confuse me, that are going to potentially affect my Worker's Comp case, if I say to that person, "Gee, I don't understand this. Could I get someone here to help me so I'm not confused?" Then if they say no, they can continue that process anytime they want but that information, therefore, going forward, is not going to be used against them. It shouldn't be used against them because the idea of having a hearing or going to see a doctor is to get accurate information so that person can get the treatment, the light duty status, or part of his claim expedited so you can find a resolution; hopefully a positive one. Mr. President, I would ask you to vote in opposition to this motion because actually this is a commonsense added exception to the duress section of the statute. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Thank you, Mr. President. I'd just like to read a section of law, Section 311, Part E and Part F, where duress is defined. "For the purpose of this section, duress is not limited to its common law definition, but includes," there's A, B, C, D, and "E: the taking of unfair advantage of an employee's physical, mental, or economic problems and shortcomings. F: Interrogations or investigations conducted under such circumstances as to be severely intimidating to the employee." That is already in our current statute.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you, Mr. President. I just have to get up and speak to the Body today. I'll tell you a story about my wife. When she worked at a bank she was an assistant branch manager. Things were going really, really well. She was about to be promoted to manager. At the bank she had an accident. She fell down a flight of stairs. She was out of work for many weeks, months, in and out of work. She had issues with stability in her hip and her pelvis. She would work and her muscles would just let go and she would collapse. All of sudden the bank started giving her ratings of less performance, that she wasn't doing her job. She rebutted one of the performances one day and she was told that she was no longer allowed to rebut performances. This all goes on. She continues to see doctors. Finally the bank decides they're going to send her to an independent medical examiner. It comes back with the name. Just so happens that the fire department I worked for just happened to know this same doctor that used to work for Southern Maine Medical Center. We went, through the fire department, an issue with this doctor trying to put one of our firefighters out of work. He didn't use all the medical processes that he should have. He just used one of them that the employee failed and he tried to put him out of work. We fought that and won it. When I heard the name of this doctor I kind of got an inkling that I didn't trust him. History would prove itself, my inkling was right. I decided to attend the independent medical examination with my wife and while we were in the office I decided that I would record the entire conversation and the appointment. Long story short, at the end of the appointment he came out with his report and he stated that, "Mrs. Dutremble can crawl, scooch, climb a ladder," and the list went on and on and on of things she can do. All that in that time his actually physical hands-on assessment of my wife was three minutes. Three minutes and he had her reach over and bend down and try to touch her toes and felt her back. We were in the office for about 44 minutes. That being said, we came out with Worker's Comp saying, "Well, there's nothing wrong with you, you can do your job." As it turns out, we did go to court with Worker's Comp. We proved, on the stand, that the independent medical examiner had not followed the rules that he was supposed to. He was biased towards Worker's Comp. She won her case and, to make matters worse, when we got the bill from Worker's Comp there is a standard that you can charge. I don't have the figures exactly in front of me, but I think it's something like \$285 that you can charge for an independent medical examination. He charged us like \$550. When our attorney asked him, on the stand, "Why did you charge them \$550 if the State says you can charge \$285?" He said, "Well, because I always do that. Nobody ever questions

it." Here we have this doctor that knowingly, openly, admits to overcharging his patients. From that case on, we settled the case and we won, my attorney continued to pursue all the other people that this doctor had seen in Worker's Comp cases. He went after all the overcharging that this doctor had done and he won his case. I think this bill was very important, that you should be able to have a witness there because had I not been there with my wife she would have absolutely got the raw end of the deal and she would not have had a witness and Worker's Comp would have continued on, and the same thing with the employers. I believe you should be allowed to come in and have a witness with you. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#60)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT PRO TEMPORE – GARRETT P. MASON

NAYS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO, WOODSOME

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Insurance Coverage for First Responders Answering a Call to Duty"

S.P. 116 L.D. 301

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-77)**.

Signed:

Senator:
PATRICK of Oxford

Representatives:

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

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

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

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

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise today in opposition to this bill. We had this bill last session as well. This is a commonsense bill. Our first responders, it's too bad that this bill wasn't in 2001 because this bill would pass because during 9/11 we realized the value of our first responders and it seems like we've slipped since then. Our first responders, there's a problem between the highway and their home. If you happen to live 500 feet off the main road and you get a call in the middle of the night, eleven o'clock, bad accident, someone's hurt. I know how I would feel anytime I get a call at 11 or 12 o'clock at night. My heart's pounding. Got to run to the phone. "Oh my goodness." I'm going to have to get my gear on and I'm going to have to get in my vehicle and respond to that accident. You're not covered under Worker's Comp until you hit the main road. This bill would actually cover a first responder from when they get the call in their home, if they're putting their gear on and they get to their car, they're covered from the call on. I think it's a commonsense approach. There have actually been four cases, I believe, that have had this issue decided in Comp law. Two of them were in favor of the employee and two of them were different, in opposition to the employee. I think would actually kind of put it to rest from the standpoint of making sure that you're covered when you get the call. I think it's a commonsense approach. I know MMA did not like it, but MMA doesn't like anything as far as I can see. I would just ask the Body to reject this motion and go on to the Ought to Pass as Amended. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion as well and I rise in support of first responders all across Maine. When a first responder receives a call to duty and is able to respond the expectation is clear: someone made an emergency call, lives are likely at risk. Responding with all due haste is what you and I and every other person making a 9-1-1 call expects. We make these calls not thinking of the hazards the first responders face themselves, but we all expect them to respond quickly, to be there in our time of need. Yes, their training says proceed with caution and, yes, the law does not allow them to break any speed or traffic laws in getting to the scene. First responders are faced with a dual standard. I think we've all met one on the road, going quickly to an emergency because most of the public does not know those restrictions. All they know is that when you call 9-1-1 you expect people to respond with all due haste. When my wife one morning suddenly went white, stiff, and unresponsive, eyes open and locked, I moved her from a sitting position to lying on the floor and called 9-1-1. I was worried about my life partner, the love of my life, and whether she would be okay. How many of you have had this experience? No 9-1-1 caller expects a first responder to pause, salt their walkway, or clear their driveway before responding. Currently, in Maine, the people who risk their lives to help all of us through accidents and personal tragedies are not covered bell to bell should they suffer injuries themselves while responding to dispatch. It begins when the volunteer reaches the public way, as the good Senator Patrick from Oxford said. If a first responder is injured in that interval the presumption is that it happened not because they were on the call but because of their own negligence. Perhaps that's over-stating it. The truth is there is no assumption it had anything to do with their call out. First responders risk losing the ability to work and keep their regular job. When a first responder is injured responding to dispatch we have an obligation to help him or her because from the moment of the call they're working on our behalf. They are heading into likely danger in responding mindful of the urgency expected by all of us, members of the public, because of our loved ones or personal emergency.

Maine should establish a bell-to-bell coverage for volunteer first responders because it's the right thing to do. This bill establishes a rebuttable presumption that if a first responder is called out and is responding they are on the job and Worker's Compensation applies. In these times when it's harder and harder to gain volunteers and retain professionals to answer our call we've got first responder and fire units and EMTs that are closing up shop. We lost an operation in Alna just this year. We should be doing everything we can to make sure that when you place that call there is someone to respond. We shouldn't be making part of that decision whether to be one of those responders on whether, if they are injured, they will not be compensated for that injury, whether they will lose the ability to work their regular job by which they support their family. That's a real danger for first responders, particularly in small town Maine. We should have their backs. If stepping up to be our hero means they come to harm then we've let them down. This bill is the right thing to do and I hope that I will have your support in voting against the pending motion and going on to do the right thing for

our first responders, the right thing for our citizens that expect there to be people willing to be those responders when you call 9-1-1 for your loved one or your personal emergency. I ask you to think; how many of you have been in that situation? Someone in your family a 9-1-1 call made the difference for. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is one of those bills that sound extremely reasonable. How could we vote against first responders? Obviously, they perform an invaluable service to all of us and we all want to support them in any way that we can. We've seen in the testimony even given by both of the good Senators, particularly the good Senator from Oxford, that, in fact, from time to time over the last 23 years these cases have been brought forward. In fact, half the time they have been found in favor of the first responder as opposed to the municipality. There is a possibility of that recourse upon an appeal. What L.D. 301 simply would do is create a rebuttable presumption and, unfortunately, it would also create the proverbial camel's nose under the tent because if we're going to extend a rebuttable presumption to our first responders, to the men and women who get up in the middle of the night and hurry to whatever emergency has called them out of bed or maybe they were simply mowing their lawn in the middle of a beautiful summer day, are we going to extend that same rebuttable presumption to other workers who might be called out and be in a hurry, or just simply not even in a hurry, on their way to an emergency. Perhaps a machine has shut down and the good Senator from Oxford himself needs to be called in to fix it. Would a rebuttable presumption apply to him if he injured himself getting off his lawn tractor? That is the proverbial nose under the tent. Doctors get up in the middle of the night to go into the E.R. or to be called in to surgery. Nurses. We can come up with a whole list of employees that may potentially be on-call and be called into work. Do we really need this? Again, we're talking about amending statute. We've seen the remedy is already there if it can be proven that it should be found in favor of the first responder. In fact, that has happened. I would just ask that you would support the pending motion and recognize that there are some conditions which are not under the control of the employer, they're not under the control of the State, they're not under the control of the municipalities when they are on private property and that employers should not be held accountable for what goes on on that private property. Thank you.

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen, I feel there are a couple of things that need to be said in response to those issues raised. First of all, when first responders are called out to a scene most of the time where they are going is private property. That's covered. They don't control the situation. In fact, if it's a fire they're attempting to control something that's known to be very dangerous on that private property, not in a situation initially within their control. This is just the other end of that same equation. This is different from a doctor being called in or a worker being called in to a problem at the plant or the kind of call I've had myself being on call, in the

information technology industry with systems crashing. In those circumstances they are not the first person to stabilize a life and death situation, when minutes count. When first responders are called out that is exactly the situation. We expect them to be there and we don't expect them to take their normal caution for someone heading to work. Even a doctor being called in isn't the first person on the scene. They are not the emergency room attendants that are already there, that came in at normal due caution. They are the people responding to a scheduled surgery, that may be a rush surgery, but they are not the ones that are responding to a need in which minutes literally make the difference between life and death. This is a different circumstance and it deserves recognition that these are people who are placing their lives on the line not only to respond to our needs but to respond in a time that it makes a difference. We don't expect them to get up and go through their usual routine for heading to work. That means that they are responding under a heightened risk because of the rate at which we expect them to be there and get there. We do try to make those first responders safer through training, safety training. That's a good thing. It doesn't alleviate the risk, both at the site that they respond to and in the course of responding to it. That's what makes this circumstance different.

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, what this bill actually is: did the injury arise out of and in the course of employment? You're in your house. You put on your suit. The employment, does it start at the time you got the call or the time you hit the public way? If I'm a first responder, fireman, policeman, paramedic, to me, I believe, I honestly believe in my heart of hearts, when you get that call, when your heart's racing, you want to get out there and do your job, that's what it is. Do you believe the injury arose out of and in the course of employment? That's all, simple. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to speak on this issue. Being a firefighter/paramedic, I can assure you that when the pager goes off the response is much different than when I get a phone call at 2 o'clock in the morning because one of my colleagues got hurt and they want me to go in and fill the overtime shift for the remainder of the shift to fill his position. When that happens I get up and I get dressed. I put a uniform on and I go to work. When an emergency call comes in I jump up, I grab the closest pair of pants I can find, sometimes my pajama bottoms, and off we go. There's no time to think about the response. It's an automatic, quick response. I can assure you, it's very different as far as the amount of energy that you're expelling when that call comes in because it's very important for us to get there and seconds matter. The two are very different when looking at responses. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Cumberland,

Senator Volk to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#61)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE – GARRETT P. MASON

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding the Sick Days of an Employee Who Is Terminated While on Sick Leave"

S.P. 174 L.D. 445

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-78)**.

Signed:

Senator:
PATRICK of Oxford

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

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

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

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

Reports **READ**.

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

(See action later today.)

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve the Ability of Mental Health Professionals To Assess the Risk of Suicide"

S.P. 410 L.D. 1158

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

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot
PATRICK of Oxford

Representatives:

HERBIG of Belfast
AUSTIN of Gray
BATES of Westbrook
FECTEAU of Biddeford
GILBERT of Jay
LOCKMAN of Amherst
MASTRACCIO of Sanford
STETKIS of Canaan
WARD of Dedham

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

Signed:

Representative:

CAMPBELL of Newfield

Reports **READ**.

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

Sent down for concurrence.

Senate at Ease.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow B.Y.O.B. Function Permit Holders To Hold Tailgating Events"

S.P. 228 L.D. 635

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-75)**.

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
GOLDEN of Lewiston
HANINGTON of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
SCHNECK of Bangor
TURNER of Burlington

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

Signed:

Representative:

DILLINGHAM of Oxford

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-75) **READ** and **ADOPTED**.

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

Sent down for concurrence.

On motion by Senator **THIBODEAU** of Waldo, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Minority **OUGHT NOT TO PASS** Report on the following:

Bill "An Act Regarding the Sick Days of an Employee Who Is Terminated While on Sick Leave" S.P. 174 L.D. 445

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

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from York, Senator Woodsome.

Senator **WOODSOME:** Thank you, Mr. President. Members of the Senate, I ask you to vote in opposition of the motion. This is a very simple bill that states that when an individual is out on sick leave, and if they are terminated from their work, that whatever sick leave they have they will be given that sick leave. Under Maine State law vacation time is paid but sick leave is not. I do not feel this is a great burden on employers but I do feel it is fair to the employee. Thank you.

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I stand in agreement with the good Senator. This is a good bill. Can you imagine someone being conscientious enough to work for years and save up 30 sick days and not being able to get compensated for it? Simple as that. Should somebody work years and years, saving up their sick time, and then being terminated and not getting paid for it? I believe not, Mr. President, and I would ask you to follow the good Senator Woodsome's light and defeat this Ought Not to Pass motion and go on and move it to the Ought to Pass. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#62)

YEAS: Senators: BAKER, BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, LANGLEY, ROSEN, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT PRO TEMPORE – GARRETT P. MASON

NAYS: Senators: ALFOND, BREEN, BURNS, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WOODSOME

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-78) **READ** and **ADOPTED**.

Under suspension of the Rules, **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.

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

ENACTORS

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

Emergency Measure

An Act To Amend the Law Governing the Gathering of Signatures for Direct Initiatives and People's Veto Referenda
H.P. 134 L.D. 176
(C "A" H-98)

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

Ordered sent down forthwith.

Emergency Measure

An Act To Establish a Youth Bear Hunting Day
H.P. 265 L.D. 399
(C "A" H-99)

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

Ordered sent down forthwith.

Emergency Measure

An Act To Provide for the 2015 and 2016 Allocations of the State Ceiling on Private Activity Bonds
S.P. 408 L.D. 1139
(C "A" S-59)

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

Acts

An Act To Create Efficiencies in Court Process
H.P. 139 L.D. 181
(C "A" H-91)

An Act To Allow Equipment Rental Companies To Sell Insurance
H.P. 223 L.D. 329
(C "A" H-80)

An Act To Provide for Direct Appeals under the Maine Juvenile Code to the Supreme Judicial Court
H.P. 283 L.D. 416
(C "A" H-92)

An Act To Amend the Laws Regarding the Sale of Liquor
S.P. 192 L.D. 523
(C "A" S-61)

An Act To Increase the Effectiveness of the Legislature
H.P. 462 L.D. 681
(C "A" H-93)

An Act To Ensure the Administration of Written Driving Tests
H.P. 463 L.D. 682
(C "A" H-109)

An Act To Permit Rate-adjustment Mechanisms for Water Utilities
H.P. 599 L.D. 880
(C "A" H-103)

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 Increase Mileage Reimbursement and Compensation for Jurors

H.P. 51 L.D. 57
(C "A" H-90)

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

An Act To Restore the Super Credit for Substantially Increased Research and Development

H.P. 337 L.D. 498
(C "A" H-96)

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

An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code

H.P. 351 L.D. 512
(C "A" H-86)

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

An Act To Increase Conservation District Funding
H.P. 573 L.D. 839
(C "A" H-88)

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

An Act To Support College Affordability in Maine
H.P. 597 L.D. 878
(C "A" H-108)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#63)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFKY, 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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Resolve

Resolve, To Study State and Federal Laws Regarding Online Privacy and Data Security To Develop Ways To Further Protect Consumers from Identity Theft and Fraud

H.P. 102 L.D. 144
(C "A" H-101)

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/2/15) matter:

Bill "An Act To Provide an Exemption from Sales Tax and Service Provider Tax to Nonprofit Collaboratives of Libraries"
S.P. 14 L.D. 13

Tabled - April 2, 2015, by Senator **MASON** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, March 19, 2015, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, April 2, 2015, Veto Communication (S.C. 176) **READ** and **ORDERED PLACED ON FILE.**)

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

Senator **HAMPER:** Thank you, Mr. President. I just wanted to make sure the Body was aware of Appropriation's schedule this afternoon. When we meet together this afternoon we will continue our work on the budget and this particular item will be included in this afternoon's, shall I say, festivities. We had our joint Chairs and Leads meeting last evening and this will be moved into the budget this afternoon.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise today asking that this not be moved out today. I'm going to request a roll call because this has to do with the library consortium. As I think you are all aware, Maine's libraries are non-profits. There is a consortium that lets them all get together, all 200 libraries can get together. There is a consortium that allows them to purchase things much more easily. This is not now a non-profit organization. This bill came before the committee early this session. A unanimous vote out of the committee. It passed under the hammer here in the Senate and in the House. It's been held up by the Executive Branch. The importance of this bill, it's a very small bill but it does exactly what we want the bill to do, which is to say it saves money, it's cooperative, it's local, and it's a way that we can all work together. It's exactly the way we wish government to work better. The logic of the veto is unclear to me. I think it's extraordinarily important, this bill. The bill, itself, passed and I hear what the good Senator Hamper says, but I would much prefer that we still have two irons in the fire. I'm very concerned that this bill will disappear someplace. I would urge you to follow my light in this particular instance and the reason being is that it's extraordinarily important that we have a transparent process as our bills go forward. In consequence, my understanding is this requires a roll call vote and after that I'll urge people to follow my light.

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

Senator **VALENTINO:** Thank you very much, Mr. President. Men and women of the Senate, I rise today to ask you to override this veto. I think we all agree that this is a very good bill and that's why the Governor included it in the change package. As stated by my colleague, we did talk in Chairs and Leads and we are planning to put this forward to our committee members. Obviously, we all know in Chairs and Leads we cannot commit to anything. The plan today, yes, is to go out and to vote this into the change package. Again, when we vote something in it really doesn't mean anything until the budget is voted on. Any member, at any time, can vote to reconsider any one of these. We could have one member today out of 13 decide to table it today. I would feel, I guess, a lot easier if we had already acted on this, but we haven't acted on this. I'm just a little nervous to let this bill go. I didn't see any reason why we couldn't let it stay on the table for a while longer, until the budget was voted on. Obviously, the budget, we don't know when it will be voted on. It could be voted on June 30th. We all agree this is a good bill. We can simply override the veto today and the bill goes into law and we don't

have to worry about it. I am planning on voting for the override and hopefully, if that goes through, then we don't need to act on it further. Thank you.

Senator **GRATWICK** of Penobscot moved to **TABLE** until Later in Today's Session pending **CONSIDERATION**.

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

Senate at Ease.

Senate called to order by the President.

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

On motion by Senator **GRATWICK** of Penobscot, **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

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

An Act To Prohibit Deceptive Practices Regarding Negotiable Instruments

S.P. 184 L.D. 455

Tabled - May 12, 2015, by Senator **CUSHING** of Penobscot

Pending - **CONSIDERATION**

(In Senate, April 28, 2015, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, May 12, 2015, Veto Communication (S.C. 297) **READ** and **ORDERED PLACED ON FILE**.)

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

Senator **VALENTINO:** Thank you, Mr. President. Men and women of the Senate, I rise today to ask you to override this veto. When I came into caucus this morning I was teased by another member of the caucus and they said, "Here is woman, hear her roar," which is very true and many of you may not like the way I vote on different bills, but you always know that I'm straight with you. You always know where I stand on a bill. That is why I just want to tell you a little bit about some of the bills that I've actually had and why I am taking this position on this bill. I put in a bill to the Transportation Committee for a constituent on a sign. I walked up to the committee and I said, "I voted against all these bills. I know you're going to kill it. Go ahead. You can kill it." Very honest. Very straight forward. I didn't stand up and urge all of the committee to vote for the bill. We knew that. Went to VLA the other day. Casino bill I've worked on for eleven years. Told

the committee, "I don't agree with some parts of the bills, here's some amendments to it. Run with whoever's bill you want." They killed the bill. Went to Judiciary the other day. I had put in a bill for a lobbyist on voluntary mediation. I read the summary, had read the title, liked it. Stood up before the Judiciary Committee and the first thing I said is, "There's nothing voluntary about this bill. I don't like this bill." It was my bill. Everybody laughed.

That brings me to the point of I don't stand and argue for one of my bills and I see the handwriting on the wall. I know how this vote's going to go, but I want to bring your attention to this bill only because this happened to me. This was one of those things when I opened the mail and time after time we get the checks in the mail and I thought there ought to be a law and then the light bulb went off and it said, "Oh, well I'm going to finally put in a bill on this." I did. It went before the Insurance Committee and in the Insurance Committee I actually passed them around one of the live checks and I think this is what convinced the entire committee because the quality of the check that was being sent to me, rather to my company, was remarkable. Will Lund, the Superintendent, was there. Linda Conte was there. They all remarked about the quality of these checks and they thought that this was a deceptive business practice. The committee instructed myself, after the work session, to go back and work with Superintendent Will Lund and with Attorney General Linda Conte, which is exactly what we did. I didn't draft the legislation for this check. They did. We went back to the Insurance Committee. The Insurance and Financial Affairs Committee looked at this language. Everybody was in favor of the language and this unanimously passed the Insurance and Financial Affairs Committee. It came upstairs to the House and to the Senate. It was basically a no-brainer. We all voted for it underneath the hammer. Now we have a veto on it today.

I will say, in the third paragraph of the veto, I have a concern because it says, "First, the practice likely is prohibited." Well, that's not good enough for me. Likely prohibited. Is it prohibited or is it not prohibited? It's not likely. That was the intent of the bill. I have no desire, as I showed you for the first three bills, of passing legislation that's not necessary and that's not needed. If somebody had told me when we went to the public hearing that we already have a bill on law and we don't need it, then fine, I would have walked away. If Linda Conte in the Attorney General's Office or Will Lund had told me when we sat down to negotiate the language, rather for them to draft the language for the bill, if they had said, "Linda, this is already in law. You don't need the bill," I would have walked away. If somebody from the Executive Branch had come up and said, "This is already in law. We don't need the bill," I would have walked away. Nobody told me that. Now I get a veto letter saying it's likely prohibited. We don't know if it is or not, but we're just going to veto you anyways. I don't buy it. I think that this is definitely something worth going after and I think one of the things is that, when I started it, it was a consumer protection bill and we talked about it. This was really a small business bill.

I remember coming to the legislature eleven years ago and coming for the first time into my caucus and hearing a lot of people at that time in the House against business and against corporations. We have to go against these corporations and go against these corporations and I was always part of the moderate caucus and I was always for the small businessperson because I'm a small businessperson, my husband's a small businessperson. When they told me that this is a very rare instance to pass a bill on the deceptive trade practices because

this is going to help small business. This isn't the big corporation where they have their corporate lawyer. These are the sole proprietors here in the state of Maine that are getting these checks. These are the LLCs, like my daughter just formed, who is 28 years old, who doesn't know enough when they get one these in the mail to know whether or not this is a fraudulent thing. This is something, to me, that is a small business bill and this is something that I have stood for since the day I walked into this building eleven years ago. It's to come here to also be the voice of small business on my side of the aisle and I think I have done that very well and I think this bill helps small businesses and I think that I would urge you to override that and I will tell you the veto letter goes on also. They say that, in fact, "An out-of-state company recently signed an Assurance of Discontinuance agreeing" with it. Well that was on my check. That was the company that sent me the check. I know that because I got a copy of the Discontinuance also. I have a copy of it, but you know this is the third time they signed a Discontinuance. The checks look exactly alike. You know what I got last week? I got another check in the mail. I got another check in the mail, but this one didn't say from Cornerstone Funding. It didn't say from Business Financial Funding. This one was from Stonehedge. Basically, they just sign these things. They say, "Okay, fine," and then they're going to start up another company and another shell game. To me, this gives an opportunity for the Attorney General to go back after these people and, for the love of me, I don't understand why everybody let me put in a bill and let the committee vote on the bill if it was already in law. I don't believe it's in law. I believe this is a great bill to help small business and I hope you will be with me on this. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#64)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WOODSOME

NAYS: Senators: BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, LANGLEY, MASON, MCCORMICK, ROSEN, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT – MICHAEL D. THIBODEAU

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 20 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/21/15) matter:

Bill "An Act To Amend the Allowable Security Freeze Fees Charged by a Consumer Reporting Agency"
S.P. 150 L.D. 382
(C "A" S-38)

Tabled - April 21, 2015, by Senator **WHITTEMORE** of Somerset

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-38)**

(In Senate, April 21, 2015, **READ A SECOND TIME.**)

On motion by Senator **WHITTEMORE** of Somerset, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-38).

On further motion by same Senator, Senate Amendment "A" (S-83) to Committee Amendment "A" (S-38) **READ** and **ADOPTED.**

Committee Amendment "A" (S-38) as Amended by Senate Amendment "A" (S-83) thereto, **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-38) AS AMENDED BY SENATE AMENDMENT "A" (S-83) thereto.

Ordered sent down forthwith for concurrence.

Off Record Remarks

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

JOINT ORDER - Expression of Legislative Sentiment Recognizing Liam Reading of Bangor
SLS 403

Tabled - May 5, 2015, by Senator **GRATWICK** of Penobscot

Pending - **PASSAGE**

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

The Joint Order was **READ.**

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

Senator **GRATWICK**: Thank you very much, Mr. President. It's a great pleasure to recognize Liam Reading of Bangor. He's here today in the Chamber with his father, Brian. Liam is a senior at Bangor High School. He's an artist of modest proportions now but he's going to be extraordinarily good in another several years. If you want to add to your art collection you should get Liam's stuff while you can now. Liam is the person in Congressional District 2 who has received this particular Congressional Award. In other words, this is given to one person in Congressional District 2 and one in District 1 as well. His art is very interesting. I urge you to look it up on-line. He characterizes it, and I'm not one to argue, as being somewhere between Escher and Dali and Durer. That is art encompassing 300 or 400 years there. It's a great pleasure to have Liam here to accept this sentiment. He'll be going to one of the premier art schools in the world next year, Rhode Island School of Design. It is my privilege. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Liam Reading of Bangor. Would he please rise and accept the greetings of the Maine Senate.

The Chair laid before the Senate the following Tabled and Later Assigned (4/29/15) matter:

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

H.P. 92 L.D. 134

Tabled - April 29, 2015, by Senator **DAVIS** of Piscataquis

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 23, 2015, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, April 28, 2015, **FINALLY PASSED**.)

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

Ordered sent down forthwith.

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

HOUSE REPORT - from the Committee on **TAXATION** on Bill "An Act To Define Prosthetic and Orthotic Devices for Purposes of the Sales Tax Law"

H.P. 695 L.D. 1000

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-110)**

Tabled - May 6, 2015, by Senator **MCCORMICK** of Kennebec

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

(In House, May 5, 2015, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-110)**.)

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

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-110) **READ** and **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Allow for and Regulate the Adult Use of Cannabis" H.P. 950 L.D. 1401

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

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

Bill "An Act To Reward Work Performed by Welfare Recipients" H.P. 951 L.D. 1402

Bill "An Act To Require Screening and Testing for Illegal Substances of Beneficiaries under the Temporary Assistance for Needy Families Program"

H.P. 955 L.D. 1407

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

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

Bill "An Act To Require Licensed Mental Health Professionals To Receive Training in Suicide Risk Assessment"

H.P. 952 L.D. 1403

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

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

**Pursuant to Statute
Department of Agriculture, Conservation and Forestry,
Bureau of Forestry**

The **Department of Agriculture, Conservation and Forestry, Bureau of Forestry**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry (EMERGENCY)

H.P. 957 L.D. 1408

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Off Record Remarks

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

On motion by Senator **VOLK** of Cumberland, **ADJOURNED** to Wednesday, May 13, 2015, at 10:00 in the morning.