

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

Off Record Remarks

In Senate Chamber  
Thursday  
May 30, 2013

PAPERS FROM THE HOUSE

Joint Resolution

Senate called to order by President Justin L. Alfond of Cumberland County.

The following Joint Resolution:

H.P. 1067

Prayer by Father Frank Morin, St. Michaels Catholic Parish in Augusta.

**FATHER MORIN:** Good morning. Let us bow our heads in prayer. I'm going to use a prayer today, I'm going to adapt it a little bit, from a prayer given in 2009 at the Oklahoma House of Representatives by Reverend Michael Cich.

Heavenly Father, we come before You today in a time of anxiety and fear as our economy struggles and as brave soldiers sacrifice on the fields of war, along with many civilians. Families here in our own country wonder how they will pay their bills. Yet Your prophet Isaiah has asked, "Have you not known? Have you not heard? The Lord is the everlasting God, the Creator of the ends of the earth. You do not faint or grow weary. Your understanding is unsearchable. You give power to the faint and strengthen the powerless. Even youths will faint and be weary and the young will fall exhausted, but those who wait upon You shall renew their strength. They shall mount up with wings like eagles. They shall run and not be weary. They shall walk and not faint." You are the Creator and parent of us all. You are divine majesty. You have made each of us and every one an image of You; our splendid diversity reflecting Your infinite glories. You sustain and comfort us, filling us with Your spirit and thereby uniting us with all creation in every time and place. A fellowship of solidarity. A beloved community. Reminding us what we have done unto the least we have done unto thee. We call upon this good news in this year. Might a few drops of Your favor fall upon us today. Give these elected representatives of Your people here in the state of Maine courage and wisdom, that they might be continuing to be instruments of Your peace and justice. Giver of immortal gladness, fill us with new life today. We, your humble people, beseech thee and in your name we pray. Amen.

Pledge of Allegiance led by Senator James M. Hamper of Oxford County.

Reading of the Journal of Wednesday, May 29, 2013.

Doctor of the day, Challa Reddy, MD of Dover-Foxcroft.

**JOINT RESOLUTION TO RECOGNIZE THE FIRST WEDNESDAY IN APRIL AS EVERYONE MATTERS DAY**

WHEREAS, judgment and discrimination against others may be based on many factors and may be due to a person's accent, age, disability, height, weight, nationality, race, religion, sex, gender, gender-identity or sexual orientation; and

WHEREAS, bullying includes harassment that may occur in the workplace, at schools, in families, in social settings and online; and

WHEREAS, bullying is the harassing display of discrimination; and

WHEREAS, discrimination and bullying have direct effects on the physical, emotional and mental health of an individual, on organizational stability in schools and businesses and on the well-being of society as a whole; and

WHEREAS, a disproportionate number of disabled individuals, African-Americans, Hispanic-Americans, Native Americans and members of the lesbian, gay, bisexual and transgender community report experiencing daily discrimination; and

WHEREAS, 37% of Americans report being bullied on the job; and

WHEREAS, 160,000 children around the nation stay home from school each day because of bullying and fear of bullying; and

WHEREAS, in 80% of school shooting cases in the 1990s, the shooters had histories of being bullied; and

WHEREAS, 90% of lesbian, gay, bisexual and transgendered teenagers reported being bullied at school; and

WHEREAS, more than 50% of adolescents and teenagers report being bullied online and bullying others online; and

WHEREAS, everyone of all ages, groups and backgrounds may be victims of bullying, marginalization and discrimination, and it is reported that half of all suicides among young people are due to bullying; now, therefore, be it

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

opportunity to support the first Wednesday in April as Everyone Matters Day; and be it further

RESOLVED: That We urge all residents of the State to support the ideals of Everyone Matters Day in order to acknowledge the harmful impact of bullying and of judging others based on appearance or group affiliation and to promote respect and support everyone's right to be who he or she is without being shamed, judged or attacked and we invite everyone to remember the first Wednesday in April as Everyone Matters Day and that April 2, 2014 is Everyone Matters Day in the State; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the national Everyone Matters organization.

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

**READ.**

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ADOPTION**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: H.P. 1121

**KITTERY SCHOOL COMMITTEE  
200 ROGERS ROAD  
KITTERY, MAINE 03904**

May 8, 2013

To the Representatives of Kittery, Maine:

Whereas, public education is integral to the democratic viability and economic future of Maine by directly and indirectly contributing to the intellectual and physical development of the children and young adults of our great state; and

Whereas, recognizing the essential need of a strong public school system the voters of Maine in 2004 overwhelmingly approved a referendum requiring the State of Maine to fully fund 55% of the cost of public education; and

Whereas, the state has failed to appropriate its share of funding for public education by over \$500 million in violation of the letter and spirit of the 2004 referendum; and

Whereas, the state has abandoned its commitment to fund our public schools, taxpayers throughout the state have often been asked to shoulder more of the responsibility for funding our schools, often through increases in local property taxes; and

Whereas, the Governor has proposed in his budget moving the funding for our schools backwards by reducing GPA to local school districts by \$12.56 million from 2012-13 levels and shifting an additional \$14 million in retirement costs from the state to the local school districts for each of the next two years; and

Whereas, in response to the Governor's proposed budget in its current form, our school district is being forced to take drastic actions to balance our budget by laying off educators, reducing personnel, cutting programs and/or services, and asking local property owners to pay even more in property taxes to make up from the shortfall from the state; and

Whereas, the spread of this additional burden is not being equally distributed, putting additional stress on municipalities and districts;

Now Therefore, be it resolved that:

The Kittery School Committee calls on the legislators of all parties to fully fund our public schools as expressed by the will of the citizens of Maine in the 2004 referendum by providing the required 55% of the cost of public education in Maine; and

The Kittery School Committee calls upon the legislators of both parties to reject the Governor's proposal to shift pension payments onto local cities and towns; and

Therefore be it finally resolved, the Kittery School Committee calls upon the Maine Legislature to adjust state revenue and expenditures in an equitable fashion in order to avoid regressive tax shifts to municipalities.

S/Patti Ayer  
S/Gavin Barbour  
S/David Batchelder  
S/Kimberly Bedard  
S/Julie Dow  
S/Kenneth Lemont, Chair  
S/Robert Wiles

A TRUE COPY ATTEST:  
S/Maryann Place  
Town Clerk

Comes from the House, **READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

**READ** and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

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**SENATE PAPERS**

Bill "An Act To Maintain Competition among Electricity Suppliers Serving Northern Maine"

S.P. 595 L.D. 1553

Presented by Senator JACKSON of Aroostook.  
Cosponsored by Representative WILLETTE of Mapleton.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

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**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Regarding a Concealed Handgun Permit"  
H.P. 184 L.D. 223

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-242).**

Signed:

Senator:  
GERZOFKY of Cumberland

Representatives:  
CASAVANT of Biddeford  
KAENRATH of South Portland  
LAJOIE of Lewiston  
MARKS of Pittston  
PEASE of Morrill  
PLANTE of Berwick

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

Signed:

Senators:  
DUTREMBLE of York  
PLUMMER of Cumberland

Representatives:  
DION of Portland  
LONG of Sherman  
TYLER of Windham  
WILSON of Augusta

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

Reports **READ.**

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Encourage Transparency in the Disclosing of the Ingredients in Vaccinations for Children"  
H.P. 505 L.D. 754

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

Signed:

Senators:  
CRAVEN of Androscoggin  
HAMPER of Oxford  
LACHOWICZ of Kennebec

Representatives:  
FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
PRINGLE of Windham

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

Signed:

Representatives:  
MALABY of Hancock  
McELWEE of Caribou  
SANDERSON of Chelsea  
SIROCKI of Scarborough  
STUCKEY of Portland

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Minority **Ought To Pass** Report.)

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

Reports **READ.**

Senator **CRAVEN** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**

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

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, this is a bill that came before us and we didn't have anybody to come and speak in favor of the bill except the sponsor. We had several, especially our medical community and public health community, that came to speak in opposition. This is the very very best plan that we have to lower healthcare costs in this state and in this country. The bill is a scare tactic. Our vaccines are absolutely safe in this country. Also people already

have an opportunity as their physicians do offer information about the vaccine. If you go down to the micro level, really I would challenge anybody to be able to tell me what's in the vaccine or to understand what it is. That would be requested on that level. I hope that you will follow my light and keep our youngsters safe. I want to say that my brother died, my very first brother, of diphtheria. In those days there was no shot or no vaccines for diphtheria. My second brother actually lived even though he had been infected. We are in a generation where we have forgotten what happened when people didn't get vaccinated against killing diseases. Maybe we could remember people who have had polio and other life threatening diseases that really have been eradicated by vaccinations. I will ask you to follow my light and make sure that this practice remains a healthy practice in the state of Maine.

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, it's interesting I rise today because I'm actually against this particular part because I believe we all should know what's going on; whether it be BPA labeling or whether it be GMO labeling, which we'll all be voting on sooner. I think we should know that, in fact, in our vaccines are things like aluminum, mercury, formaldehyde, and other antibiotics. It seems to me that you should know that. If it is deemed safe than maybe we don't have to put it there. It seems to me formaldehyde and all sorts of nasty things. Perhaps, Mr. President, we should put a billion dollar number on it, saying that if they have a billion dollars' worth of sales that then they would have to label the products. Thank you very much, Mr. President.

**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 in support of the Ought Not to Pass. I think you are all aware that the major benefit of medicine over the last one hundred years has to be from vaccinations. Diseases that used to kill our brothers and sisters a hundred years ago are no longer a major threat here to us. Whether you talk about small pox, tetanus, polio, whooping cough, or measles, these are things that have largely disappeared because of vaccines. I think it behooves us to tread very carefully if we wish to do away with this particular class of medicines. I think you are all aware also that there is this thing called the herd effect. That is if one or two of us go without vaccinations we're probably going to be okay. You get to a tipping point when there are enough people in a population that have not been vaccinated and these nasty deadly diseases come back.

I have to say I have seen all these illnesses in my career, mainly when I've worked abroad. One of the ones that I care very much about is polio. I'm sure you have heard that the Rotary has taken it as its major project, worldwide, to eradicate polio. Almost successful, but not quite. There are still some cases in India and Afghanistan. The major instances are in Nigeria. In Northern Nigeria, for some reason, the oral polio vaccine, "which is a manifestation of Western medicine," was considered to be a way to control Muslims. People recommended, the religious leaders recommended, that people no longer get any further polio

vaccines. I have the numbers here someplace, but the incidents of polio in Nigeria had gone to a low of 28 cases in 2000 and now it's up to 830 as of 2009. In other words, these are very important things. This is a very important principle. We do not want to go backwards. These diseases are still there. Maybe in another 150 years we'll be able to have a different perspective.

For instance, H flu which is a bacteria causing Meningitis in kids, vaccine is now available to children. I think that in Indiana there was an epidemic, I think it was in 2001 to 2004, because people hadn't been getting those vaccination. Again, a number of young children get Meningitis and you do not want to get Meningitis, I most assure you. I think this is very important. Part of the impetus for this is the question of whether or not Autism is associated with vaccinations. All I can say is, in searching the literature in detail, there is zero articles on evidence based medicine, control trials. Zero evidence. Autism is a very complex and a very tragic and sad disease. Autism has its explanation in a whole field, a whole world, of epigenetics and does not have an association here. I think that is important to recognize.

Finally, I would simply note that all this information is already required by the federal government. It's available. If you want to have data on vaccinations, and we've been handing out a sheet here of where it's available, that's available right now. Anybody can have it. If you want to spend your time with your ten or fifteen minutes with your doctor and have them read through the list of all the ingredients, that's certainly your prerogative. That's no problem. In there it is circled MRC-5 cellular protein. If you want someone to give you an explanation of what that is, I'd be happy to do so during the limited amount of time that I have. That, I think, should be between the individual and their healthcare provider and not required by law. I very strongly urge my colleagues to support the Ought Not to Pass. Thank you, Mr. President.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, if healthcare professionals didn't make mistakes there would be no need for malpractice insurance would there? Yet we know that no one would practice any kind of healthcare without that kind of insurance. We also know that manufacturers of drugs carry insurance because they make mistakes once in a while. I've gotten e-mail after e-mail, parents whose children had been harmed by vaccinations. I believed them. You can choose not to. I think the e-mail for me that took the cake was one I got yesterday from St. Paul, Minnesota. This person wrote and said that we shouldn't pass this law because Maine people were too stupid to understand what was in these vaccinations, what was in these vaccines. I think parents have a right, I think we should have a right, to know what's in a vaccine, in anything that's going to be injected in our body. I'll be voting against the current motion. Thank you.

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I'm a healthcare provider. Not a doctor like Senator Gratwick. Part of being a healthcare provider is informed consent. Doctors already need to do informed consent when they give vaccines. It is part of explaining the risks and benefits of any

treatment and things you give. In fact, this law would actually go above and beyond what is required by federal law. The other thing is anyone who knows anything about it, when you get medication and you go fill it at the pharmacy you get a package insert that tells you what's in the medication, what the active and inactive ingredients are, and what the side effects are. That is also widely available for vaccines. I support people having informed consent about what they are putting into their bodies or into their children's bodies. I think that vaccines have been something that has saved lots of lives. One of the things I think we need to think about here is whooping cough. Anyone know how much the rate of whooping cough has gone up in the state of Maine? If I get whooping cough, or if any of us here do, we might sound funny for a while. However, if you are a baby that's a risk to your life. I'll be voting the Ought Not to Pass Report because I want to make sure that babies have the best chance at life and not dying of easily preventable illnesses that they used to die of and they don't have to any more. Thank you very much.

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

Senator **MASON:** Thank you Mr. President. I just wanted to point out really quick. I think that this bill only would allow for the parents or whoever is the caretaker of a child to be given information on a vaccine. Nobody thinks that they should be denied access to a vaccine. We just think that people ought to know what's in them. I wanted to make that clarification because there are a lot of parents out there that want to know. Some, after they got the information, might be glad that they know. I'll be voting against the current motion and I hope we can move onto the other report. Thank you.

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

Senator **CRAVEN:** Thank you very much Mr. President. I just wanted to say, briefly, that this information is widely available. It's available from the manufacturer's website or from package inserts that come with the vaccine, from the Advisory Committee on Immunization Practices, statements on specific vaccines, and the American Academy of Pediatrics' Red Book. These are already available and they are available on the internet. They are available from your physician if you ask for them. I think that this bill is a scare tactic. I think that we all agonize over whether or not we should vaccinate our children. For people who are on the cusp of not doing that, and something bad happens to that child when they decide not to, there is no going back. I think that it's unfortunate that people have to continue to steer people away from good a practice. Thank you.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today to support the pending motion. As a new parent, myself along with the good President from Cumberland, President Alfond, I find I'm the most recent in this Body to be going through this process with our children. I am sure and I am confident he would agree, when you go into the doctor's office they provide you with a lot of opportunity to learn about these vaccinations. They ask questions of you, if you

understand what process you've been going through with your child. They give you every opportunity to ask questions. What the fundamental issue is to me is that I trust my doctor. I trust my daughter's doctor. Do we want to be legislating and telling doctors what they need to do? Are we really qualified to do that? Do we want to be interfering with that relationship? That's the question we should be asking ourselves. I would encourage everyone to be supporting the Ought Not to Pass motion.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven to Accept the Majority Ought Not to Pass Report, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#122)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PLUMMER, THIBODEAU, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, MASON, PATRICK, SAVIELLO, SHERMAN, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD

**ABSENT:** Senator: VALENTINO

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Encourage Alternative Forms of Treatment for Opiate or Opioid Addiction by Prohibiting MaineCare Coverage for Medication-assisted Treatment for Addiction"

H.P. 553 L.D. 802

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

Signed:

Senators:  
CRAVEN of Androscoggin  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
PRINGLE of Windham  
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-237).**

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock  
McELWEE of Caribou  
SANDERSON of Chelsea  
SIROCKI of Scarborough

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

Senator  **CRAVEN** of Androscoggin moved the Senate **ACCEPT** the Majority  **OUGHT NOT TO PASS** Report, in concurrence.

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

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator  **CRAVEN** of Androscoggin to **ACCEPT** the Majority  **OUGHT NOT TO PASS** Report, in concurrence. (Roll Call Ordered)

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Senate at Ease.

Senate called to order by the President.

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Prohibiting Property Insurance Discrimination Based on Breed of Dog"  
H.P. 836 L.D. 1192

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

Signed:

Senators:

GRATWICK of Penobscot  
WHITTEMORE of Somerset  
WOODBURY of Cumberland

Representatives:

TREAT of Hallowell  
BECK of Waterville  
COOPER of Yarmouth  
DOAK of Columbia Falls  
FITZPATRICK of Houlton  
McCLELLAN of Raymond  
PRINGLE of Windham  
WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-243).**

Signed:

Representative:

MORRISON of South Portland

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Local Input in Economic Development and Redevelopment Efforts"

H.P. 1057 L.D. 1476

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

Signed:

Senators:

PATRICK of Oxford  
CLEVELAND of Androscoggin  
CUSHING of Penobscot

Representatives:

HERBIG of Belfast  
GILBERT of Jay  
HAMANN of South Portland  
MASTRACCIO of Sanford

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

Signed:

Representatives:

CAMPBELL of Newfield  
DUPREY of Hampden  
LOCKMAN of Amherst  
MASON of Topsham  
VOLK of Scarborough  
WINCHENBACH of Waldoboro

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

Reports **READ**.

Senator **PATRICK** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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**Senate**

**Ought to Pass As Amended**

Senator **CRAVEN** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Proper Anatomical Recovery of Human Bodies and Body Parts"  
S.P. 44 L.D. 123

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-149)**.

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

**READ ONCE**.

Committee Amendment "A" (S-149) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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Senator **GRATWICK** for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Create Uniform Claims Paying Practices in Long-term Care Insurance Policies" (EMERGENCY)

S.P. 312 L.D. 891

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-147)**.

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

**READ ONCE**.

Committee Amendment "A" (S-147) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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Senator **GRATWICK** for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Streamline the Charitable Solicitations Act"

S.P. 438 L.D. 1277

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-145)**.

Report **READ**.

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

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Senator **TUTTLE** for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Gambling"

S.P. 130 L.D. 350

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-142)**.

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

**READ ONCE**.

Committee Amendment "A" (S-142) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Repeal the Restriction on Employers Regarding Firearms Kept in an Employee's Vehicle"  
S.P. 98 L.D. 265

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

Signed:

Senators:

DUTREMBLE of York  
PLUMMER of Cumberland

Representatives:

DION of Portland  
LONG of Sherman  
MARKS of Pittston  
PEASE of Morrill  
TYLER of Windham  
WILSON of Augusta

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

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

CASAVANT of Biddeford  
KAENRATH of South Portland  
LAJOIE of Lewiston  
PLANTE of Berwick

Reports **READ.**

Senator **GERZOFISKY** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report.

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

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Give Retroactive Effect to the State Employee Health Commission's Reconsideration of Hospital Ratings"

S.P. 50 L.D. 129

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

Signed:

Senators:

GRATWICK of Penobscot  
WOODBURY of Cumberland  
WHITTEMORE of Somerset

Representatives:

TREAT of Hallowell  
BEAUDOIN of Biddeford  
COOPER of Yarmouth  
DOAK of Columbia Falls  
FITZPATRICK of Houlton  
McCLELLAN of Raymond  
MORRISON of South Portland  
WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-144).**

Signed:

Representative:

BECK of Waterville

Reports **READ.**

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

Ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Clarify Uninsured Vehicle Coverage for Multiple Claimants"

S.P. 218 L.D. 628

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-146).**

Signed:

Senators:

GRATWICK of Penobscot  
WOODBURY of Cumberland  
WHITTEMORE of Somerset

Representatives:

TREAT of Hallowell  
BECK of Waterville  
COOPER of Yarmouth  
DOAK of Columbia Falls  
MORRISON of South Portland  
PRINGLE of Windham  
WALLACE of Dexter

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

Signed:

Representatives:

FITZPATRICK of Houlton  
McCLELLAN of Raymond

Reports **READ.**

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

**READ ONCE.**

Committee Amendment "A" (S-146) **READ** and **ADOPTED.**

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

Ordered sent down forthwith for concurrence.

**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing the Work Permit Process for Minors and To Conform the Laws Governing Allowable Places of Work for Minors to Federal Law" (EMERGENCY)  
S.P. 163 L.D. 431

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

Signed:

Senators:

PATRICK of Oxford  
CLEVELAND of Androscoggin

Representatives:

HERBIG of Belfast  
CAMPBELL of Newfield  
GILBERT of Jay  
HAMANN of South Portland  
MASON of Topsham  
MASTRACCIO of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-138).**

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden  
LOCKMAN of Amherst  
VOLK of Scarborough  
WINCHENBACH of Waldoboro

Reports **READ.**

Senator **PATRICK** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#123)**

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, YOUNGBLOOD

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **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 Create the Aging in Place Program"  
S.P. 473 L.D. 1354

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-143).**

Signed:

Senators:

PATRICK of Oxford  
CLEVELAND of Androscoggin  
CUSHING of Penobscot

Representatives:

HERBIG of Belfast  
CAMPBELL of Newfield  
GILBERT of Jay  
HAMANN of South Portland  
LOCKMAN of Amherst  
MASON of Topsham  
MASTRACCIO of Sanford  
WINCHENBACH of Waldoboro

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

Signed:

Representatives:

DUPREY of Hampden  
VOLK of Scarborough

Reports **READ.**

Senator **PATRICK** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish a People's Veto Process for Actions of County Commissioners"

S.P. 33 L.D. 82

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

Signed:

Senators:

LACHOWICZ of Kennebec  
COLLINS of York

Representatives:

GRAHAM of North Yarmouth  
BOLAND of Sanford  
CHENETTE of Saco  
HAYES of Buckfield  
NADEAU of Fort Kent  
NADEAU of Winslow  
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-140)**.

Signed:

Representative:

COTTA of China

Reports **READ**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Concerning the Removal of Municipal Employees"

S.P. 394 L.D. 1133

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

Signed:

Senator:

COLLINS of York

Representatives:

CHENETTE of Saco  
COTTA of China  
MacDONALD of Old Orchard Beach  
NADEAU of Fort Kent  
NADEAU of Winslow  
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-141)**.

Signed:

Senators:

LACHOWICZ of Kennebec  
GERZOFKY of Cumberland

Representatives:

GRAHAM of North Yarmouth  
BOLAND of Sanford  
HAYES of Buckfield

Reports **READ**.

Senator **LACHOWICZ** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141)** Report.

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141)** Report.

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**Divided Report**

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

S.P. 441 L.D. 1279

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-139)**.

Signed:

Senators:

LACHOWICZ of Kennebec  
GERZOFKY of Cumberland  
COLLINS of York

Representatives:

CHENETTE of Saco  
COTTA of China  
MacDONALD of Old Orchard Beach  
NADEAU of Fort Kent  
NADEAU of Winslow  
PEASE of Morrill

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

Signed:

Representatives:

GRAHAM of North Yarmouth  
BOLAND of Sanford  
HAYES of Buckfield

Reports **READ.**

Senator **LACHOWICZ** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Facilitate the Expansion of the State's Liquor Distribution System"

S.P. 318 L.D. 941

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-148).**

Signed:

Senator:

TUTTLE of York

Representatives:

LUCHINI of Ellsworth  
FOWLE of Vassalboro  
LONGSTAFF of Waterville  
RUSSELL of Portland  
SAUCIER of Presque Isle  
SCHNECK of Bangor

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

Signed:

Senators:

PATRICK of Oxford  
MASON of Androscoggin

Representatives:

BEAULIEU of Auburn  
GIFFORD of Lincoln  
JOHNSON of Eddington  
KINNEY of Limington

Reports **READ.**

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Encourage Alternative Forms of Treatment for Opiate or Opioid Addiction by Prohibiting MaineCare Coverage for Medication-assisted Treatment for Addiction"

H.P. 553 L.D. 802

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-237)** (5 members)

Tabled - May 30, 2013, by Senator **JACKSON** of Aroostook

Pending - motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence (Roll Call Ordered)

(In House, May 29, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 30, 2013, Reports **READ**.)

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, what this bill would do is eliminate reimbursement for the treatment of Suboxone or Methadone for individuals who are addicted to opiates. I think that that would be an enormous

mistake. In L.D. 802 it would lead to needless emergency department admission, incarcerations, and the use of expensive outpatient substance abuse treatments which have been shown to be ineffective, producing lasting recovery for the severely opiate addicted population. According to the scientific literature, 12 months is the absolute minimum length of treatment recommended for one who is opiate addicted. The vast majority of those who discontinue treatment before that time relapse back to abuse of opiates. For example, in a study by Ball and Ross in 1991, 82% of patients relapsed to illicit opiate use within 12 months of their leaving methadone maintenance. These scholars recommended that replacement therapy treatment continue as long as the patient continues to benefit and suffers no significant side effects. Over the past 12 years Acadia Hospital's experience has been consistent with this. This was in the statement within the opposition that was presented by Acadia Hospital. Maine has the most frequently occurring opiate addictions in the country. I think that this is a place that is very dangerous. It doesn't make any sense at all for us to remove or stop paying for a treatment that has been scientifically based and that has been practiced throughout the entire U.S. and the medical community. The therapy is simply one of a number of alternative approaches to treating opiate addiction. It is the most effective treatment. It is endorsed by a great majority of reputable medical and scientific organizations as the preferred treatment for opiate dependency on an international scale. The American Medical Association, the World Health Organization, the American Psychiatric Association, the American Academy of Addiction Psychiatry, and the American Society for Addiction Medicine are amongst those bodies who support the treatment. I would ask you to please follow my light on this motion. Thank you very much.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would just ask you to vote against the pending motion. As much as I hate to disagree with my good friend, Senator Craven, opiate replacement therapy just isn't working. This is an opportunity to move on to different methodology. The strongest supporters of this type of treatment are the ones that are in the practice, the ones that are making a lot of money out of it. Up until we took the step two years ago to put a limitation of two years on those receiving this type of therapy, 99% of the people receiving it were on it forever, some up to 18 years. They just were not getting free of the addictions that they originally went in for the treatment for. The bottom line here is that there is something better. We need to pursue that. This would save the State of Maine almost \$2.5 million. I would urge you to vote against the pending motion. Thank you, Mr. President.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'd like to offer for you just a brief quote from testimony that was given to us in committee from a methadone clinic worker. She says, "I have worked for three of the methadone clinics over the past five years and treatment provided to the patients is pretty consistent. Stuck on methadone. Standing in line every day. That looks like purgatory

and not recovery. It's time for the State of Maine to get out of the dirty business of continuing with drug habits." Thank you, Mr. President.

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I believe I'm the only person here who actually is licensed to provide substance abuse treatment, although I do not have a license to prescribe, so I've never prescribed Methadone or Suboxone. I've never worked in a methadone clinic, but I have worked with people who have been on methadone and who have been opiate addicted. The interesting thing about this bill is it says, "An Act to Encourage Alternative Forms of Treatment for Opiate or Opioid Addictions by Prohibiting MaineCare Coverage for Medication-assisted Treatment for Addiction." Interestingly enough, this bill does nothing to provide any alternative treatment. It just bans us paying for two forms of treatment. I've known people that have benefited from alternative forms of treatment other than medication assisted therapy. People are free to do that. They can do that any time. Actually there have been people who have been successful at it. There are some people, however much you may not like it, who do have changes in their brain due to opiate addiction. However much we may want to deny it or not like it or be disgusted by it, that's the truth. I think this bill is wrong because it makes us legislate what actually should be a doctor's decision. I agree that there are problems that people have seen with methadone clinics in their communities. I certainly have one in my community. I believe there are other avenues you can do to actually fix some of those problems, but this law does not prevent anyone from getting any sort of alternative treatment they want for opiate addiction. Thank you very much.

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

Senator **CRAVEN:** Thank you very much Mr. President. I just wanted to add one more little bit of information. That is that the federal Medicaid law requires that states seeking federal reimbursement for their Medicaid pharmacy benefit program comply with federal law. In general, states must cover all FDA approved prescription drugs of manufacturers that have entered into a rebate agreement with the federal government. This would cost our state mega bucks as well as an opportunity to continue our Medicaid pharmacy benefit. Thank you.

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

Senator **GRATWICK:** Thank you Mr. President. Men and women of the Senate, I rise again in support of this Ought Not to Pass. Just briefly, the fact is that if you take narcotics for a period of time your brain changes. It's just not the same. You demonstrate this very well by PET scans and now good data that shows you are not the same person. I must say that at the first abuse of narcotics, I think you're nuts. I think you're crazy. I would just recommend you don't do it, but, alas, if you do that your brain changes. In many situations in life, you've had meningitis, you've had schistosomiasis, trypanosomiasis. There are many things that change your brain, which none of us want.

This is one of them. The question here today, we're debating a moral topic. It is a judgment that because you've been addicted, therefore you don't deserve treatment. I think that narcotic addiction and the way it changes our brain is exactly the same as what happened when you have diabetes or hypertension. It becomes a medical condition. I think we don't profit our society by making it a moral judgment that these people are not worthy of treatment any more than we would take away treatment from a diabetic. If we pass this it's going to be devastating for our economy. These people are there, like it or not. There are many things in our society that I don't like and this is most assuredly one of them. The cost is going to be astronomic, both in terms of work loss, crime, medical problems, hospital problems, and costs there. I think it's very important. I have to say that I've known about methadone actually since medical school, which was in 1971. I worked in a clinic where they first built one and started using it in New York City. This has been a long standing problem. I've made zero money out of this in my career. Nonetheless, I have very strong views because I think for a number of people it has worked very well. Is it perfect? That is most emphatically not, but it certainly needs to be part of the number of the arrows that healthcare providers have in their quiver. Without it I think we'll see a major worsening of what's already a very bad problem. I am staunchly in favor of trying to make this program work better. Indeed, I have been in favor of those programs. Right now this should be an Ought Not to Pass. Thank you, Mr. President.

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

**ROLL CALL (#124)**

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORT - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Local Input in Economic Development and Redevelopment Efforts"

H.P. 1057 L.D. 1476

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

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

Tabled - May 30, 2013, by Senator **PATRICK** of Oxford

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, May 29, 2013, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 30, 2013, Reports **READ**.)

On motion by Senator **LANGLEY** of Hancock, 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 (#125)**

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, MASON, MAZUREK, PATRICK, PLUMMER, SAVIELLO, THIBODEAU, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: HAMPER, LANGLEY, MILLETT, SHERMAN, THOMAS

30 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by same Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Repeal the Restriction on Employers Regarding Firearms Kept in an Employee's Vehicle"

S.P. 98 L.D. 265

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought To Pass** (5 members)

Tabled - May 30, 2013, by Senator **GERZOFKY** of Cumberland

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

(In Senate, May 30, 2013, Reports **READ**.)

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, I just wanted to lend my support very quickly to this bill. That's all at this point I need to say. Thank you.

**THE PRESIDENT:** The Chair was in error. The motion before the Senate is the motion by Cumberland, Senator Gerzofsky to accept the Minority Ought to Pass Report.

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

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, that does change my testimony a bit. I am not in support of the Minority Report. This bill would repeal something that we passed last session and has worked very well. There have been no problems with it. It was framed as a property rights versus Second Amendment rights. For many of us it was a property rights versus property rights, the property of the interior of any person's vehicle, which cannot be searched without a warrant. Many of us came down on the side of the property rights of the individual trumped the property rights of the corporation. It does boil down to an important issue. If we restrict people from carrying their firearm, mind you these are people who have a concealed carry permit, and bringing it in their vehicle into the parking lot we restrict them from being able to protect themselves anywhere between their home and the location of work. It seemed to many of us that a person who has gone through the process of acquiring a permit to carry concealed should be able to protect themselves, whether that is the young woman who's been a victim of domestic violence or a man who has reason to believe that he needs a firearm for self-protection. We're in essence saying you can't protect yourself. For me and for many members of the committee, it came down to the person who has earned the right, been vetted and received a concealed firearms permit, should be able to keep that firearm in their possession. We stopped it short of taking it into the building with them. They could carry it in their automobile. They could secure it in their automobile, out of sight in a locked automobile, while they are at work. It seems to many of us that this law has worked and we would like to see the law that we passed in the last session stay in place. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, now that we're all on the same motion, now that we're all on the same bill, now we can have a good debate because I want to challenge some of the comments that I just heard, especially the ones that we're trying to fix a problem in

the last legislature. I never knew of a problem that we were trying to fix. I thought we were kind of trying to fix a problem that didn't exist. That's because the other party thought they could. I also want to clarify and challenge that there is no problem now. I do have companies in my town, in my district, that have a big problem with the way things were changed. They thought they owned the property. They thought they were paying the taxes on it. They thought they were taking care of the liability issue. It was their business. They kind of thought they could control what goes on. Previously, I don't think there was a big problem with people with people going to work, going shopping, or going anyplace and having a concealed weapons permit and leaving a concealed weapon in the trunk of their car or in the glove compartment. If it was a pistol it would probably be in the glove compartment. The problem arose when there was a national mood to change some gun laws last session around the country. It came here. Where there was no problem, people tried to create one. Since that bill was passed I have a lot of complaints. I don't think I get a very high rating with the chamber people, but I do have a high rating with a lot of my businesses in my town, my Senate district. I do have a high regard for those businesses and their responsibility of taking care of their property. All this bill does is says that what was going on for the last hundred years has worked fine. You have a relationship with your employer. Your employer has a relationship with you. Your employer has company rules, and they are usually fairly flexible. I think the employer, who is not only paying the insurance and the liability and all the other things and having that relationship with the employee, has certain rules that he would like the employees to follow. I have a company in my community that employs hundreds of people. They had a policy for good reason. They didn't want any firearms on their property. They had had somebody come into their business and shoot one of their employees at one point. They came in and testified vehemently against this bill last year.

I've had many companies call since then, many businesses in my community, my Senate district. You've got to remember where my Senate district is, it's not only the very beautiful and scenic Brunswick but it's also the rolling hills of Pownal, which is very rural. The working waterfront of the community of Harpswell is the same thing. Then you have the shopping and natural resource mecca of Freeport, which has a lot of businesses in it and employs a lot of people. Those companies came and saw me and they had problems with this bill when we passed it because they felt they no longer had control of their property. They no longer had control of their businesses when the State is going to tell them. They might have a company policy that you can't drink on the job. You can't drink in the parking lot. You can't smoke marijuana in the parking lot. They might want to have a company policy that says they don't want any concealed weapons in their parking lot, even if you have a permit. I think that should be their right. I think that should be their right to run their businesses as they see fit.

There was no problem. We created a problem in the 125<sup>th</sup> Legislature, a problem that I never ever heard of before and I've heard nothing about it since. There are certain things we did in the 125<sup>th</sup> that I am hearing and we are going to talk about several of them today. This is the first bill that we are debating because this is the one I had the most complaints about. This is the one that most of my businesses said, "We have a relationship with our employees. We have company policies. We allow them, we always have allowed them, to bring in concealed weapons in their car." They never had a problem with it until we made it a law. I

would like to see us try to overturn that law. Ladies and gentlemen, please follow my light on this. Do what's right for your companies, your businesses, and for gosh sakes, let's do what's right for people and their property. Thank you.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I didn't realize I was going to have a need to rise on this issue today. As with the prerogative of any chair, you can move any report you wish to. I respect that right. The concern I have is that we're dealing with an issue that is a private property rights and one of safety. This Legislature, during this session, has been confronted with many issues regarding people who are qualified and trained in the use of firearms and understands the awesome responsibility that they have when they have to use a weapon. We all would pray that no one would ever need that, but the tragedy would be if somebody were qualified, owned a firearm, and was at work in a situation where authorities were not readily present and there was an imminent danger to them or their co-workers and not having the means that they are licensed and trained to have to prevent a tragedy. I think that we have misread this issue dramatically in the last year in a reaction to some real tragedies that have taken place in other parts of the country. I would urge you to consider that as we face this issue. You are dealing with a report that would chance, on a minority basis, the work that a committee did, not once but twice now, and put before this Body legislation to protect the private rights and the security and wellbeing of individuals who have gone through the training, the background checks, and the mental checks that are necessary to assure that they are qualified and, in the opinion of trained professionals in the law enforcement community, have the right to have a weapon for their use and protection. I would, in the interest of being fair here, recognize that there are many businesses that I know of, some in the good Senator from Cumberland's district, who have great concerns about this. I understand and appreciate the tragedy that has happened in some of those cases that causes them to be very sensitive. I don't believe this is a hundred years that this has been going on. I think this is a relatively more recent occurrence as a result of others who have attempted to change policy in this country related to a Constitutional issue; the right of us to have the means to protect ourselves. I encourage you to support the Majority Report and to defeat the pending motion. Thank you, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to add a couple of things to the debate if I can. I remember the original debates in the 125<sup>th</sup> very well. I wasn't part of the ones this session. I think it is basically the same fact scenario. I just want to, I guess, contradict what was said here a moment ago. There was a problem. There have been many problems. I thought during those debates, especially, of the women that have to go to work at night or come home in the early morning hours. I always keep in mind the fact that 50% of our homicides in the state of Maine are domestic violence related. I thought it unconscionable to take away the rights of those individuals to be able to protect

themselves going to and coming from work. If there had been a way to do it, I would have given them the right to actually traverse a parking lot, a poorly lighted parking lot, when they were going to do a shift as a nurse or something and be able to carry a weapon with them. That seemed to be going too far, I guess, for the discussions we were having at that time, so I was willing to accept the fact that at least you can get to work with your concealed weapon in your vehicle, leave it locked and secured in your vehicle, and have it there when you want to return back home and do so in a safe manner. As far as I'm concerned, once you get into that vehicle you're rights of privacy are all about that vehicle under the Fourth Amendment. I think it was a very very reasonable compromise that we came up with between the workplace property and their private property rights and the people who have to come to work there every day, not because they want to but because they have to earn a living. They have a right to be secure and safe and they can do that if they choose by taking a concealed weapon along with them when they travel. In the areas that I represent there are long distances between home and work. If you live in Machias and you have to drive to Baileyville, to the mill, that's a long drive. I would ask you to reject the pending motion and let's keep the law in place. It's working well. There are no problems from it that we know of. I think we should leave well enough alone. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I would encourage you to think about these businesses who are faced with this dilemma in their own business policies on whether or not they are going to be able to prescribe, proscribe, for their employees how they wish business to be conducted and how they wish their property be treated. I think this is a time when we ought to be voting on the side of businesses. It a serious matter. It is a serious matter for companies across this state. I certainly have heard from a number in my community who are concerned about the fact that they have been stripped of their right and what they consider, frankly, their responsibility to control what's happening in their parking lots. I ask you, please, to think about those businesses and vote in support of those businesses in this state. Thank you.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to apologize for getting up for a second time because I want to clarify something. There are some misstatements I've been hearing and I thought that they should be clarified. Nobody is taking anybody's rights away. We're actually giving rights back to the business owners. We're not taking rights away because in the past people have been able to do this. They will be able to do this going into the future. It's the company's rights that we are giving back. We're not taking rights away from anybody. I think it's a disservice when we say we are. What we are doing is saying, "This is your property and you've got the rules." When you go to get a job you know what the rules are. You can't drink in the parking lot. If you have an alcohol problem you are probably not going to work there. What we are doing is giving rights back to the property owners. We're not

taking rights away from anybody because people will still be able to do it with that relationship that they have with their employer. That's really what this is about. Giving rights back, not taking them away. It's a little bit disconcerting to me how people look at it as anybody's rights are being taken away because they are not. Thank you, Mr. President and ladies and gentlemen of the Senate.

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, I rise to make three very quick points. One point is the people that would be allowed to carry a firearm in their vehicle are those people who have been vetted. They have passed a background check. They have passed the standards of good moral character. These aren't people that are going to, on the spur of the moment, commit some crime with that firearm. If you look at the statistics, very very very few people who have a concealed carry permit have broken state laws, or any laws for that matter. Although I often agree with my good friend, the Senator from Cumberland, Senate Chair Senator Gerzofsky, I disagree on the rights. I believe that we would be depriving people of their right to protect themselves on their way to work and on their way home from work. The second point, I had not intended to bring the situation with the young woman who was murdered in, but that was brought into the conversation. A gentleman from Downeast Energy came in and testified before us that an employee was killed, murdered, on their property. That is correct. It had nothing to do with a concealed firearm. It had to do with, I have to be careful what I refer to the man as because he wasn't a gentleman, a person who she had been in a relationship with and broken off that relationship. He came into her place of work and walked in the office. I know this because it's in my town and she was my friend. He murdered her. I wonder if she had had the availability of a firearm at her desk if she would have been able to protect herself. The third point is that this only affects the employees. Anyone else can bring a firearm into that parking lot and the business owner cannot stop that. The employee they can discipline or they can fire. They can't fire the customer or the person who is in their parking lot. I think those three points are very important and I appreciate it, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Gerzofsky to Accept the Minority Ought 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 (#126)**

**YEAS:** Senators: BOYLE, CRAVEN, GERZOFSKY, GOODALL, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LACHOWICZ, MILLETT, SHERMAN, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, CAIN, CLEVELAND, COLLINS, CUSHING, DUTREMBLE, FLOOD, HAMPER, JACKSON, LANGLEY, MASON, MAZUREK, PATRICK, PLUMMER, SAVIELLO, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS** Report, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (5/14/13) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Sale of Firearms at Gun Shows"

S.P. 100 L.D. 267

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-79)** (7 members)

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

Tabled - May 14, 2013, by Senator **GERZOFSKY** of Cumberland

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

(In Senate, May 14, 2013, Reports **READ**.)

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

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, this bill deals with the so-called gun show loophole. We've had this nationally. There is a huge problem. To listen to some of the testimony one would think the gun show loophole was as big the Holland Tunnel when in reality it's not as big as the eye of a small needle. It appears that this bill is aimed at making it more difficult for the people who do produce gun shows to, in fact, be able to do that. It also appears that, in the few years that I've been here, the industry is regulating itself quite well. There does not appear to be a real big problem with private sellers at gun shows. Last session the good Senator from Cumberland, Senator Haskell, spearheaded an effort to try to get people who sell through private sales to be very diligent about who they sell firearms to. I believe that effort has been successful. I believe that gun show operators have done a terrific job policing themselves. Speaking of policing, law enforcement frequently attends gun shows. A person cannot regularly go to a gun show

and sell their firearms unless they are federally licensed firearms dealer. Those people do the background checks anyway. Another problem that we ran into is who's going to do the background check and how much is it going to cost? Federal firearms dealers often are reluctant to do the background check because it's competing with their own business. There would be no amount set that the federal firearms dealer would have to charge the private individual. I'm told that in other states, and there are very few states that do this, that do this it is as much as \$50 per transaction. If somebody takes their firearm to sell for a couple of hundred dollars, and has to pay \$50 to have the background check, that takes a good deal of their profit away. We have portrayed this, some people have portrayed this, as a big problem. It is a very very very small problem. The people who want to acquire firearms illegally don't buy them at gun shows. They are stolen and sold in the black market. There is no gun show loophole. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Men and women of the Senate, this bill has some history to it and some age to it. I was elected in 2000, the 120<sup>th</sup> Legislature. Just after Columbine. We all remember what happened at Columbine. Mass murder of students at school. Some of those guns came from a gun show without a background check. That's when I first started looking into what was going on. I've been a gun collector most of my life. I think I have one gun that went through a background check at a store. The rest of them have been amongst my friends, people I know real well, people that know me real well. I started going to gun shows and seeing tables of private sellers selling with signs saying, "You don't need a background check here because I'm not a dealer." I thought that was interesting. I put a bill in, basically, because of gun dealers in my area that asked me to because the gun show is different than anything else.

Some people here know me as a motorcycle rider, and I am. I go to motorcycle swap meets. I'm looking for motorcycle parts. Go to a gun show, looking for guns. You're looking for ammunition. You're looking for paraphernalia that deals with guns. Gun shows are put on by dealers and promoters to bring people together to buy and sell guns. Great outlet for dealers. Brings a lot of people to them. It gives the opportunity for some people to sell a gun they might have inherited or sell a gun or two that they might not want any more. Only dealers can do background checks.

Over the years working with the previous administration at the Sportsman's Alliance of Maine and a couple of NRA dealers that we knew and some of the promoters, we started putting a system in place to help people get those background checks done. My good friend from Cumberland, Senator Haskell, worked very hard on it, as Senator Plummer of Cumberland mentioned earlier. Promoters and the other licensed gun dealers were concerned about what was going on. We got to a pretty high standard of background checks, as Senator Plummer of Cumberland mentioned earlier.

There is no loophole in this title. What this title says is performing background checks at gun shows, regarding the sale of firearms. I don't think anybody here is opposed to background checks. I don't think anybody at the gun shows are opposed to background checks unless they have a reason they can't get

through a background check. They can go to a private seller, because they know at a gun show there's going to be some private sellers, and they don't want to go through a background check so they go to them. Those are the people I'm trying to weed out of the system. Those are the people I think that should go through background checks, the ones that don't think they can pass one. There are plenty of opportunities at shows to have the background check. I don't believe it's \$50. I believe it's \$20. I don't believe there has been any problem getting dealers to want to do it. From what I've been told by promoters, they want to do it. All we're trying to do in this is to shut that final door and say it's a law. It's a law at a gun show, whether you are selling privately or as a dealer, you've got to have a background check done on that gun. We're not asking for much. Now you realize that some people come here with bad intentions in mind to buy guns. They go to where they are most available, at a show. This bill is very narrow. We've worked on it for years. We made a little bit of headway every year. This is the year, I think, that we should finally solve the problem. In the original bill we had a very stiff penalty for selling a gun without a background check at a show. We've taken that penalty out. It was \$10,000 and we put it down to \$2,500 because anybody can make a mistake. It's a serious mistake. Don't let anybody fool you, it's a serious mistake. If you sell a gun to somebody that shouldn't have a gun, and you promoted them to be there, you brought them together, you really want to be a little bit more cautious. I know if somebody came to buy a gun from me they'd be only a close relative or a friend. It wouldn't be a stranger. At gun shows they are strangers. Ladies and gentlemen, I hope that do what your constituents want you to do on this. I hope you do what is the right thing to do on this. I hope you do what's been proven to be the right thing to do on this and support this legislation. Thank you, Mr. President.

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

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, just a couple of quick thoughts. I thought it was important that we clarified the position of the Sportsman's Alliance of Maine. Indeed, they are opposed to this legislation. One other quick thought. Not that I'm an elder statesman, certainly at the age of 47 in this Body, I've attended a fair amount of gun shows in Central Maine and have yet to see a table where somebody has posted a sign that says, "No background check required, I am not a dealer." That's apparently something that they do down in Southern Maine more than they do in Central Maine. Thank you.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I hate to keep standing up here, but these are subjects that I'm somewhat familiar with. I'm going to just say a few words. Once again, you are hearing the same arguments. There is no problem. There is no problem in the state of Maine and across the country. There are very few states that have recognized that there is any problem as far as the loophole in gun shows. The fact is that in this state that if you are going to have a table at one of these gun shows, and you're going to sell guns other than antique guns, than you are going to be an FFL. That's just the fact. That's the way it is. You can sell

swords and knives and all of that other stuff, but if you're going to sell guns you have to be a Federal Firearms Licensed dealer. That's the fact. That's the way the law is in this state. There are no signs that I've ever seen, and I go to quite a few gun shows. I'm going to support my constituents, the vast majority of whom want to continue to go to these gun shows and purchase guns. If you go to a gun show you will find that they do an extremely good job policing themselves. They are probably stronger on this issue than anybody in this Chamber as far as making sure that the wrong people don't get guns in their hands. Most of these folks go around this circuit and around the country on gun shows and know the people that are coming and going there. They know who should be and shouldn't be purchasing guns. Frankly, those people that shouldn't be don't show up at those places because they do. This is just like any other type of business. They all know each other. All the dealers know each other. They travel the circuit together. I can tell you this, if you pass this bill as it is right now, put this requirement and restriction on the organizers of the gun shows, you are going to put them out of business. It's an incredible amount of money that's generated in our communities from these gun shows. I would urge you to not support this motion. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#127)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, GERZOFSKY, GOODALL, GRATWICK, HASKELL, HILL, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, COLLINS, CUSHING, DUTREMBLE, FLOOD, HAMPER, JACKSON, KATZ, LANGLEY, MASON, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/23/13) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Clarify the Law Concerning the Threatening Display of Dangerous Weapons"

H.P. 255 L.D. 380

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-204)** (9 members)

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

Tabled - May 23, 2013, by Senator **GERZOFSKY** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, May 22, 2013, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204)**.)

(In Senate, May 23, 2013, Reports **READ**.)

On motion by Senator **KATZ** of Kennebec, 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 (#128)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFSKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-204) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/23/13) matter:

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Subrogation of Medical Payments Coverage"

H.P. 507 L.D. 756

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-203)** (5 members)

Tabled - May 23, 2013, by Senator **GRATWICK** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, May 22, 2013, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-203)**.)

(In Senate, May 23, 2013, Reports **READ**.)

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

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

Senator **GRATWICK:** Thank you Mr. President. I've already moved in the past this Minority Report, Ought to Pass as Amended by Committee Amendment "A". I wish to speak very briefly to my motion. I have to say that the whole world of insurance, and particularly the subrogation, has been something of a new adventure for me. I've passed out this sheet, which I hope you have. I'll try to go through it very briefly. L.D. 756 ends subrogation, which is, indeed, a legal action of an insurance company taking, or taking back, funds from an insured person related to medical expenses incurred by that insured person, a Mainer, injured in an automobile accident. I think it's worthwhile to remind us all that there are two kinds of insurance you have. There are probably more than that, but there are at least two kinds of insurance that you have when you have your car insurance. The first is that which you take out for smaller amounts, anywhere from \$2,000 to \$5,000, which may pay immediate medical expenses if you are injured. That is if you've had an accident and right away you're going to get money out of that. The second is much more complicated, more expensive, and if you win a settlement, if you had to go to court, there is \$50,000, \$10,000, or \$200,000 or more for major injury accident or loss of work. The insurance company may step in and take back a portion of that money because of this concept of subrogation. This seems very right and proper to me. The particular bill here has to do with whether or not people having smaller amounts, less than \$20,000, should also be subject to this subrogation and this bill, the Minority Report, asserts they should not. The three points listed down below. It encourages the settlement of legal actions. Provides a meaningful recovery for injured Mainers, making a Mainer secure in his or her knowledge

that a small settlement will not be subjected to subrogation. It reduces the incentive for a trial. Trials cost a lot of money. We've heard many times how the court system is stressed. This will decrease that. Second, motions of double dip or double recovery, diminishing experience of injured Mainers are misplaced and there is a good deal of data about that. This has been present in the past and that's not been a problem. Third, when an identical law was previously on the books rates were not affected. Specifically, they were not affected. There were no actuarially or claims data produced at the public hearing. This will not have a direct or substantial effect on auto insurance rates. Therefore, Mr. President, I would urge people to join me in the Minority Report. Thank you, sir.

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

Senator **HILL:** Thank you Mr. President. I rise to speak to my colleagues in the Senate. First, I'd like to state that, for full disclosure, that I have, for many years, served on a board of directors for an insurance company that was created and remains based here in Maine. Despite that, I'm really actually speaking to you as an insured. I just want to remind us that, as much as we don't like paying bills, insurance is one of the best purchases that we can make. Why? You're all sophisticated people here. I'm sure you understand that the fee we pay for a policy is relatively small given today's cost of replacement are for property and costs for medical care. As an insured, I believe what we do is purchasing peace of mind. We're purchasing peace of mind so that our expenses are covered so that when we face an accident or an injury that's one thing we can take off the table that we have to take care. One less worry. I think there's another thing that we don't always think about that we are also purchasing. We're purchasing peace of mind that if we are injured or in an accident and it's not our fault that we are not going to encounter rates going up for us. Why? Because of a little device called recovery. This bill changes that. This bill takes away from insurance companies the ability to see recovery. Why is recovery important, important to this industry? It's because it's a management tool. It's a tool that lets the company manage its rates, ultimately. The rates they manage become very important to you and me. I think it's critical to recognize and remember, if you had any information on this before, that the Maine Bureau of Insurance, our Maine Bureau of Insurance, made this point in the public hearings on this bill. After all, they should know. They are the bureau of oversight for insurance companies and they are very involved in the setting of rates for Mainers. While we might feel good about making this small \$20,000 and under piece an area where subrogation can no longer happen, I think we have to really consider the impact on the individual insured and then realize that also that could spread to many many insured as insurance companies have to come up with a new way of making up for those rates if they no longer can seek recovery. I hope you give this some thought and we don't have a negative and upward impact on the Maine marketplace for our Mainers and insured. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, it is hard to follow my good friend from York, Senator Hill,

on this issue. I, too, come to this with some background, having practiced for many years and handed many of these cases. Imagine Jane Smith is driving her car and she is hit by Peter Jones. Peter Jones is a drunk driver. Here's the situation. Jane Smith has paid for her own insurance for years and years, sending in her premium payments month after month after month. She's never made a claim. Part of the insurance she has paid for is the so-called medical payments portion of the policy that, as the good Senator pointed out, will take care of medical bills for Jane Smith whether she is at fault or not. It's a no-fault part of the policy. If she is hurt in an accident her insurance company will pay for her medical bills. She could choose a \$1,000 limit, \$5,000 limit, \$10,000 limit, or whatever she wants to over the minimum. I think the minimum is \$1,000, I'm not sure. She will pay for that every single month. Because of the accident that Mr. Jones has caused, she ends up with \$1,000 in medical bills and her insurance company pays that out of the med pay, as is appropriate. She now goes on with her case against Mr. Jones and the settlement, or the jury verdict, is \$10,000. Now her own insurance company comes back and says, "I want that \$1,000 that we paid you. We want that money back." Jane Smith says, "What? I've paid you all those years for that coverage. It's a benefit which I purchased. You are saying you want the money back? I made a claim this one time." Mr. President, I suggest this isn't really a question of who's going to get a break here because someone's going to get a break. Is it Jane, who has had no fault at all? Is it her insurance company that has received her premiums all these years? You could really argue that both ways, but that's really what it comes down to. Someone is going to get a break here. By definition this is only true with small cases, those cases under \$20,000. Twenty thousand dollars is a lot of money to me and I suspect to most of you. When you are talking about a lawsuit and going through the court process, it isn't really much money at all. Who's going to get the break? Let me give you a related example that I think may make the principle, or at least it does for me, a little bit more clearer. Let's say that Jane had been killed in that accident and not just hurt and that she had life insurance of \$250,000. The life insurance company, obviously, paid her family the life insurance benefit. Now her family goes ahead and settles its case with the insurance company for the drunk driver having now killed her. They settle the case for \$500,000. Should the life insurance company be able to now come back to the family and say, "Well look, we want that \$250,000 life insurance back because you are now double dipping by collecting the insurance premium policy limits and also collecting from the drunk driver." I suggest not because the family would say, "Wait a minute now. We paid those premiums all these years with the understanding that if she died that you would pay the premium." Is that double dipping? I don't think any of us would think that that was fair. The principle seems to be, Mr. President, the same whether it's a life insurance or whether it's the med pay. This bill would just reinstate what the law had been up until two years ago. We have the lowest automobile liability insurance in the country here. I don't believe there has been any evidence that would suggest that while we had this law in place before two years ago that there was any impact on rates whatsoever. Mr. President, again, someone is going to bear the burden here and the question is whether it's the little guy or the insurance company. That's what it boils down to for me. Thank you, Mr. President.

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

Senator **WHITTEMORE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to speak in opposition to L.D. 756. When an individual is hurt in an accident the property casualty insurer has a responsibility to pay certain amounts called medical payments for their insured. The public policy behind subrogation is to shift responsibility from payments to the party responsible for the accident, not directly to the insurance company that has already paid the benefit. A public policy that precludes subrogation will increase costs for auto insurance for everyone in the state. Independent of medical payments, a party responsible for an accident is already liable to pay for the lost wages, other expenses and economic loss, pain and suffering, and permanent impairment and/or chronic pain and suffering. Injured Mainers are already entitled to recover every aspect of their injury. A national association of subrogation professional review found subrogation recovery has helped reduce med pay rates an average of 26%. Passage of L.D. 756 is bad public policy that promotes double dipping and increases costs for all Maine citizens for auto insurance. If we want low auto insurance rates, as we currently have today, I recommend you vote no on the Minority Report, Ought to Pass as Amended. Thank you, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today just to say a few brief remarks and to concur with the good Senator from Kennebec. He explained it well. I just want to make sure that we think back to the time when this law was in place and reflect upon what the good Senator from Kennebec stated. We have the lowest rates in the country. Another issue that he pointed out is that really you are making a choice. Are you going to stand up for the little guy or are you going to stand up for the big insurance company? In this situation, that choice is easy, especially when you look at the facts on the ground here in Maine. I say we should return the law to what it was. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### **ROLL CALL (#129)**

**YEAS:** Senators: CAIN, CLEVELAND, CRAVEN, GERZOFKY, GOODALL, GRATWICK, HASKELL, JACKSON, JOHNSON, KATZ, LACHOWICZ, MAZUREK, MILLETT, PATRICK, SHERMAN, TUTTLE, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BOYLE, BURNS, COLLINS, CUSHING, DUTREMBLE, FLOOD, HAMPER, HILL, LANGLEY, MASON, PLUMMER, SAVIELLO, THIBODEAU, THOMAS, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **GRATWICK** of Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

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

On motion by Senator **GOODALL** of Sagadahoc, **RECESSED** until 6:00 in the evening.

After Recess

Senate called to order by the President.

Off Record Remarks

**ORDERS OF THE DAY**

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

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Create the Aging in Place Program" S.P. 473 L.D. 1354

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-143)** (11 members)

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

Tabled - May 30, 2013, by Senator **KATZ** of Kennebec

Pending - motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, May 30, 2013, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#130)**

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-143) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Concerning the Removal of Municipal Employees"

S.P. 394 L.D. 1133

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-141)** (5 members)

Tabled - May 30, 2013, by Senator **GOODALL** of Sagadahoc

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

(In Senate, May 30, 2013) Reports **READ.**)

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this bill came before us at the State and Local Committee and basically it pertained to one individual and was presented to us by Senator Cleveland. As I learned early on, there is one thing that we try to avoid here and that's trying to change law or incorporate a new law for one person. That's the way I perceive this. That is the reason why I voted Ought Not to Pass.

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

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

Senator **LACHOWICZ:** Thank you Mr. President. This Ought to Pass as Amended by Committee Amendment "A". Committee Amendment "A" replaces the bill and just says that municipal employees, whether they are appointed or hired, if somebody is going to get rid of them or they are going to be fired it needs to be for cause. We thought that was a good way to support workers. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#131)**

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, YOUNGBLOOD

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141)** Report, **PREVAILED.**

**READ ONCE.**

Committee Amendment "A" (S-141) **READ** and **ADOPTED.**

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

Ordered sent down forthwith for concurrence.

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Off Record Remarks

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Senator **HASKELL** of Cumberland requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Session.

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The Chair laid before the Senate the following Tabled and Later Assigned (5/21/13) matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Inform Persons of the Options for the Treatment of Lyme Disease" H.P. 416 L.D. 597

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-184)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-185)** (2 members)

Tabled - May 21, 2013, by Senator **CRAVEN** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-185)** Report, in **NON-CONCURRENCE**

(In House, May 20, 2013, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184).**)

(In Senate, May 21, 2013, Reports **READ.**)

Senator **CRAVEN** of Androscoggin requested and received leave of the Senate to withdraw her motion to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-185)** Report, in **NON-CONCURRENCE.**

Same Senator moved the Senate **ACCEPT** the Majority **OUGHT TO PASS BY AMENDED BY COMMITTEE AMENDMENT "A" (H-184)** Report, in concurrence.

On motion by Senator **GOODALL** of Sagadahoc, 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 (#132)**

YEAS: Senators: BURNS, COLLINS, CRAVEN, CUSHING, DUTREMBLE, GERZOFISKY, GOODALL, HAMPER, JACKSON, MASON, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD

NAYS: Senators: BOYLE, CAIN, CLEVELAND, FLOOD, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS BY AMENDED BY COMMITTEE AMENDMENT "A" (H-184)** Report, in concurrence, **PREVAILED**.

Senator **GOODALL** of Sagadahoc moved the Senate **RECONSIDER** whereby it **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby the Senate **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)** Report, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/28/13) matter:

HOUSE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Requiring the Labeling of Food Packaging That Contains Bisphenol A" H.P. 743 L.D. 1050

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-210)** (4 members)

Tabled - May 28, 2013, by Senator **BOYLE** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, May 23, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 28, 2013, Reports **READ**.)

On motion by Senator **KATZ** of Kennebec, 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 (#133)**

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senator: TUTTLE

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **BOYLE** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later Assigned (5/28/13) matter:

HOUSE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Prohibit Coal Tar Pavement Products"

H.P. 857 L.D. 1212

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

Minority - **Ought to Pass** (5 members)

Tabled - May 28, 2013, by Senator **BOYLE** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 23, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 28, 2013, Reports **READ**.)

Senator **BOYLE** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **BOYLE:** Thank you Mr. President. I haven't gotten up much yet, but two times tonight, so I'm getting started. We had a lot of discussion on coal tar sealants in our committee. There is concern about coal tar because it contains polycyclic aromatic hydrocarbons. We had a lot of testimony that there is a concern about the chemical effects of toxicity of this chemical in this product, and in other products that it's contained in. The reason I moved the Majority Ought Not to Pass and voted on that side, the primary reason, is that I don't think we know enough about it yet to ban it outright. That is my primary concern. We had a lot of discussion. There are alternative products available. The alternative products that are available right here in Maine are labeled in those big jugs that you can buy at the stores. Some jugs say coal tar sealant on them and others say the other types that are available. The consumers do have a choice at some of the hardware stores. We had testimony that said the big chains like Home Depot and the Lowes stores don't stock it, typically, at least in Maine. They've already made sort of a choice for their consumers out of their concern. Also we had testimony from small businesses here in Maine that waited all day in one of those days of public hearings. They finally came to the microphone. I remember one in particular who had about 35 to 40 employees and said that this product is what they do a lot of commercial work and this product is what their customers want. It lasts longer than the alternative. It is just the preferred product for their customers here in Maine for a variety of reasons. Again, I'm a small business owner. I am concerned about outright bans on somebody. If more than one person comes to the State House and waits all day and testifies that it would hurt them, I think we need to take our time and figure some things out, even though we are concerned about the potential toxicity and medical effects of it. We also have other legislation and other bills in front of us that deal with toxicity. We have a process for those.

The other thing that the majority of us on the committee agreed that we would do is, because we had the department there in the room with us and we had them come and testify, promote that there is a department website that people can go to to find out information on coal tar pavement products. We are also going to send a letter to the department requesting that they do some research and come back to the committee next January with further information on coal tar pavement products because there is information out there from other parts of the country. Like so many issues that we face in our committee and in other committees, there is a lot of conflicting information. We're tasking the department to come back to us with synthesized, good, updated information on PAHs. We also had testimony that the Cumberland County Soil and Water District has already done a study on coal tar pavement products adjacent to parking lots in Cumberland County. I've reviewed that and we're going to also task our committee with reaching out to the other counties to see what other information they may have. We're going to bring that back too.

It isn't that we don't care. It isn't that we don't want to do something. It's that we don't want to rush into anything. We want time to get some information and we feel that we can act in the interest of the citizens when we have the appropriate information next session. I urge you to support me in the Ought Not to Pass. Thank you, Mr. President.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#134)**

**YEAS:** Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFSKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **BOYLE** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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The Chair laid before the Senate the following Tabled and Later Assigned (5/28/13) matter:

**SENATE REPORTS** - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Health Plan Improvement Law Regarding Prescription Drug Step Therapy and Prior Authorization"

S.P. 329 L.D. 984

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-123)** (11 members)

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

Tabled - May 28, 2013, by Senator **JACKSON** of Aroostook

Pending - motion by Senator **GRATWICK** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, May 28, 2013, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (S-123) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Increase International Cross-border Partnerships To Benefit Maine's Economy"

H.P. 1122 L.D. 1554

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

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Remove a Conflict in the Law Restricting the Sale or Purchase of Targeted Methamphetamine Precursors" (EMERGENCY)

H.P. 756 L.D. 1063

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

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

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

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

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**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands To Convey Certain Lands and Enter into Certain Leases with the Federal Government

H.P. 1100 L.D. 1527

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-258)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-258)**.

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

**READ ONCE.**

Committee Amendment "A" (H-258) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Encourage the Use of Career Interest and Aptitude Tests in Higher Education"

H.P. 462 L.D. 670

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-244)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244)**.

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

**READ ONCE.**

Committee Amendment "A" (H-244) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Tobacco-related Illness and Lower Health Care Costs in MaineCare" (EMERGENCY)

H.P. 261 L.D. 386

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-247)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-247)**.

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

**READ ONCE.**

Committee Amendment "A" (H-247) **READ** and **ADOPTED**, in concurrence.  
Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Certain Aspects of Infant Care in Child Care Facilities"

H.P. 554 L.D. 803

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-268)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-268)**.

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

**READ ONCE.**

Committee Amendment "A" (H-268) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Complete the Timely and Appropriate Redesign of Shared Living Services for Adults with Intellectual Disabilities or Autism (EMERGENCY)

H.P. 580 L.D. 829

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-269)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-269)**.

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

**READ ONCE.**

Committee Amendment "A" (H-269) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Establish MaineCare Eligibility for Parents Participating in Reunification Activities

H.P. 633 L.D. 909

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-248)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-248)**.

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

**READ ONCE.**

Committee Amendment "A" (H-248) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Requirements for the Reporting of New Hires" (EMERGENCY)

H.P. 653 L.D. 929

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-249)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249)**.

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

**READ ONCE.**

Committee Amendment "A" (H-249) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Establish the Task Force on Independence from Public Assistance (EMERGENCY)

H.P. 757 L.D. 1064

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-270)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270)**.

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

**READ ONCE.**

Committee Amendment "A" (H-270) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify Civil Liability of Persons Making False Claims to the Department of Health and Human Services"

H.P. 991 L.D. 1388

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-250)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250)**.

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

**READ ONCE.**

Committee Amendment "A" (H-250) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend the Laws Governing the Discharge of a Firearm or Crossbow near a Dwelling or Building"

H.P. 359 L.D. 540

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-264)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-264)**.

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

**READ ONCE.**

Committee Amendment "A" (H-264) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Provide the Securities Administrator with the Power To Investigate Potential Violations Involving the Sale of Business Opportunities"

H.P. 905 L.D. 1266

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-265)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265)**.

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

**READ ONCE.**

Committee Amendment "A" (H-265) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act To Make Veterans' Property Tax Exemption Applications Confidential"

H.P. 687 L.D. 973

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-231)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-231) AND HOUSE AMENDMENT "A" (H-260)**.

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

**READ ONCE.**

Committee Amendment "A" (H-231) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-260) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure the Authenticity of Items Reported To Have Been Crafted by Native Americans"

H.P. 100 L.D. 118

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-255)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255)**.

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

**READ ONCE.**

Committee Amendment "A" (H-255) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **MARINE RESOURCES** on Bill "An Act To Provide Guidance for the Development of Marine Fisheries Management Plans"

H.P. 562 L.D. 811

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-259)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-259)**.

Report **READ**.

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

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The Committee on **TRANSPORTATION** on Bill "An Act Concerning the Monetary Amount of Damage That Defines a Reportable Motor Vehicle Accident"

H.P. 643 L.D. 919

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-251)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251)**.

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

**READ ONCE.**

Committee Amendment "A" (H-251) **READ** and **ADOPTED**, in concurrence.

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

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Senate

**Ought to Pass**

Senator VALENTINO for the Committee on **JUDICIARY** on Bill "An Act Regarding Coordinated Access to Public Records of State Agencies"

S.P. 566 L.D. 1511

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

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

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

Ordered sent down forthwith for concurrence.

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**Ought to Pass As Amended**

Senator GRATWICK for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Establishing Health Care Practitioner Transparency Requirements"

S.P. 265 L.D. 727

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-154)**.

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

**READ ONCE.**

Committee Amendment "A" (S-154) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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Senator JOHNSON for the Committee on **MARINE RESOURCES** on Bill "An Act To Restore Maine's Groundfishing Industry"

S.P. 316 L.D. 939

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-152)**.

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

**READ ONCE.**

Committee Amendment "A" (S-152) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

Committee Amendment "A" (H-262) **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:

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Juvenile Code and Related Statutes"

H.P. 782 L.D. 1112

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-262)**.

Signed:

Senators:

- GERZOFKY of Cumberland
- DUTREMBLE of York
- PLUMMER of Cumberland

Representatives:

- DION of Portland
- CASAVANT of Biddeford
- KAENRATH of South Portland
- LAJOIE of Lewiston
- MARKS of Pittston
- PEASE of Morrill
- PLANTE of Berwick
- TYLER of Windham
- WILSON of Augusta

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

Signed:

Representative:

- LONG of Sherman

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262)**.

Reports **READ**.

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

**READ ONCE**.

**Divided Report**

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Minimize the Use of Plastic Bags"

H.P. 919 L.D. 1292

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

Signed:

Senators:

- BOYLE of Cumberland
- SAVIELLO of Franklin

Representatives:

- AYOTTE of Caswell
- CAMPBELL of Orrington
- GRANT of Gardiner
- LONG of Sherman
- REED of Carmel

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-246)**.

Signed:

Senator:

- GRATWICK of Penobscot

Representatives:

- WELSH of Rockport
- CHIPMAN of Portland
- COOPER of Yarmouth
- HARLOW of Portland
- McGOWAN of York

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

Reports **READ**.

Senator **BOYLE** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **BOYLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to speak to this bill regarding plastic bags. We, again, had a lot of discussion in our committee. Plastics are a problem. We need to recycle more. We need to use less. This bill, we felt, was not going to solve the overall

problem we have with the use of plastics in our environment. We did recognize, and I recognize as a small business owner, the value of placing a value on the choices that we make. Five cents does place a value. It's an attempt to move consumers in a certain direction. In this case my concern is really that the people who could least afford it are the people that it would hurt the most. It would be a regressive fee everybody would have to pay. To some people a nickel isn't much, but to other people nickel after nickel week after week all year long would really add up. Again, we have other problems and lots of other plastic. We do want to solve the problem, but we didn't think to zoom in on one answer and one problem and it would be a tremendous burden on those who can least afford it. We had testimony that there are about 700 million plastic bags used in the state of Maine every year. That's a big number. That's a big problem that we should address, but the answer is not 5¢ a bag because we did the math and that's \$35 million that it would be costing our residents. The majority on the committee felt that that is not the way to address it. I urge you to support my Ought Not to Pass. Thank you.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#135)**

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **BOYLE** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Regarding the Management of Maine's Brook Trout and Landlocked Salmon Resources  
H.P. 471 L.D. 679

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

Signed:

Senators:  
DUTREMBLE of York  
BURNS of Washington  
HASKELL of Cumberland

Representatives:  
SHAW of Standish  
BRIGGS of Mexico  
CRAFTS of Lisbon  
DAVIS of Sangerville  
ESPLING of New Gloucester  
MARKS of Pittston

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

Signed:

Representatives:  
EVANGELOS of Friendship  
KUSIAK of Fairfield  
SHORT of Pittsfield  
WOOD of Sabattus

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

Reports **READ**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require Public Hearings by the Legislature To Be Recorded and Posted on the Internet"  
H.P. 244 L.D. 339

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

Signed:

Senator:  
COLLINS of York

Representatives:

GRAHAM of North Yarmouth  
BOLDUC of Auburn  
COTTA of China  
HAYES of Buckfield  
MacDONALD of Old Orchard Beach  
NADEAU of Fort Kent  
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-228)**.

Signed:

Senator:

LACHOWICZ of Kennebec

Representatives:

BOLAND of Sanford  
CHENETTE of Saco  
NADEAU of Winslow

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Designate Election Day as an Official State Holiday"

H.P. 406 L.D. 587

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

Signed:

Senator:

COLLINS of York

Representatives:

GRAHAM of North Yarmouth  
HAYES of Buckfield  
MacDONALD of Old Orchard Beach  
NADEAU of Winslow  
NADEAU of Fort Kent  
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-230)**.

Signed:

Senator:

LACHOWICZ of Kennebec

Representatives:

BOLAND of Sanford  
CHENETTE of Saco

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

Reports **READ**.

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

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Inform Persons of the Options for the Treatment of Lyme Disease"  
H.P. 416 L.D. 597

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-184)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-185)** (2 members)

Tabled - May 30, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by same Senator to **RECONSIDER** whereby the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)** Report was **ACCEPTED**, in concurrence

(In House, May 20, 2013, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)**.)

(In Senate, May 30, 2013, on motion by Senator **CRAVEN** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)** Report **ACCEPTED**, in concurrence.)

Senator **GOODALL** of Sagadahoc requested and received leave of the Senate to withdraw his motion to **RECONSIDER** whereby the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)** Report was **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-184) **READ** and **ADOPTED**, in concurrence.

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

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

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Off Record Remarks

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

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Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

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

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On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Friday, May 31, 2013, at 10:00 in the morning.