

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

In Senate Chamber
Thursday
May 28, 2015

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

Prayer by Pastor Travis Armstrong, Hope Baptist Church in
Manchester.

PASTOR ARMSTRONG: Let us pray. Father, God, we thank You, the Creator of all things, the infinite and all powerful God, that You are attentive to, interested in, and actively involved in what goes on in our lives and in our world. We come to You today asking for Your clear direction for our representatives at the Maine Senate. We thank You for the calling that You have on their lives, to serve our state and to make decisions which will directly affect our way of life. We pray that You might direct them as they direct us. We pray that You would use them as Your instruments to bring about the end result that You want in each and every issue that comes across their desks. God, we pray that You would remind them of the importance of the task that is before them, that their judgments would be based on truth, compassion, and mercy. We pray today, especially as they gather to discuss many important topics, that You would help them to put aside whatever might cause disunity, petty arguments, past disagreements, or anything that would hinder them from what You would have accomplished in their decision making. We pray as well for unity between the men and women of this room and those who are in the House and with the Governor. God, we pray that You might be glorified today in this building. We pray that You would bless these Senators for their service. We pray that You would build up and bless the great state of Maine. We pray that we might turn to You as the ultimate authority in our lives and in our towns, in our state, and in our country. We pray these things in the name of the ultimate representative, Jesus. Amen.

Pledge of Allegiance led by Senator David E. Dutremble of York
County.

Reading of the Journal of Wednesday, May 27, 2015.

Doctor of the day, Andrew Perron, MD of Falmouth.

Off Record Remarks

Senator **SAVIELLO** of Franklin requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Legislative Day.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Prevent Tax Haven Abuse"
H.P. 235 L.D. 341

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-97)** (6 members)

In House, May 21, 2015, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97)**.

In Senate, May 26, 2015, on motion by Senator **MCCORMICK** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **MCCORMICK** of Kennebec, the Senate **INSISTED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Moratorium on the Establishment of Virtual Charter Schools" (EMERGENCY)
H.P. 472 L.D. 696

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-156)** (7 members)

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

In House, May 21, 2015, 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-156)**.

In Senate, May 26, 2015, on motion by Senator **LANGLEY** of Hancock, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **LANGLEY** of Hancock, the Senate **INSISTED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Support Family Caregivers in the Workforce" H.P. 659 L.D. 960

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-172)** (7 members)

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

In House, May 21, 2015, 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-172)**.

In Senate, May 26, 2015, on motion by Senator **VOLK** of Cumberland, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **MASON** of Androscoggin, the Senate **INSISTED**.

COMMUNICATIONS

The Following Communication: S.C. 364

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

May 26, 2015

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau,

This is to inform you that I am today nominating the following for appointment as Justices to the Maine Superior Court:

The Honorable Wayne R. Douglas of Ocean Park
The Honorable Bruce C. Mallonee of Bangor
The Honorable Lance E. Walker of Falmouth

Pursuant to Article V, Part First, §8, of the Maine Constitution, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 365

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

May 26, 2015

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau,

This is to inform you that I am today nominating Susan E. Roy of Waterville for reappointment to the Maine Commission on Indigent Legal Services.

Pursuant to Title 4, MRSA §1803, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 366

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

May 26, 2015

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau,

This is to inform you that I am today nominating Gary M. Koocher of Portland and Glenn W. Burroughs of Lewiston for reappointment to the Workers' Compensation Board.

Pursuant to Title 39-A, MRSA §151, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 367

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

May 26, 2015

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau,

This is to inform you that I am today nominating Sarah E. Newell, Esq. of Winterport for appointment and Admiral Gregory G. Johnson of Harpswell for reappointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, this reappointment and this appointment are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 368

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

May 26, 2015

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau,

This is to inform you that I am today nominating Jonathan B. Mapes of Springvale for appointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA §341-C, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 369

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

May 26, 2015

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau,

This is to inform you that I am today nominating Nicole L. Boucher of Lebanon for appointment to the Maine Community College System Board of Trustees.

Pursuant to Title 20-A, MRSA §12705, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 370

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

May 26, 2015

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau,

This is to inform you that I am today nominating Richard Ezzy of Caribou for reappointment to the Loring Development Authority.

Pursuant to Title 5, MRSA §13080-B, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 371

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

May 26, 2015

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau,

This is to inform you that I am today nominating John P. Moore of Yarmouth for appointment to the Midcoast Regional Redevelopment Authority.

Pursuant to Title 5, MRSA §13083-I, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 373

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

May 26, 2015

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

Dear President Thibodeau and Speaker Eves:

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

L.D. 962 An Act To Require the Attorney General To Investigate the Death of a Person in Police Custody or in a Correctional Facility

L.D. 1261 An Act To Correct Defects in Title Created by Improperly Discharged Mortgages

This is notification of the Committee's action.

Sincerely,

S/Sen. David C. Burns
Senate Chair

S/Rep. Barry J. Hobbins
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 374

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

May 26, 2015

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

Dear President Thibodeau and Speaker Eves:

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

L.D. 1195 An Act To Amend the Laws Governing Workers' Compensation

L.D. 1404 Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Court Reporters and Legal Recorders

Sincerely,

S/Sen. Earle L. McCormick
Senate Chair

S/Rep. Adam A. Goode
House Chair

This is notification of the Committee's action.

Sincerely,

S/Sen. Amy F. Volk
Senate Chair

S/Rep. Erin D. Herbig
House Chair

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

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

The Following Communication: H.C. 169

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

The Following Communication: S.C. 375

May 26, 2015

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

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

May 26, 2015

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

Dear Secretary Priest:

Dear President Thibodeau and Speaker Eves:

The House voted today to insist on its former action whereby it accepted the Majority Ought to Pass Report of the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Protect Employees from Abusive Work Environments" (S.P. 63) (L.D. 188) and Passage to be Engrossed.

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

Sincerely,

- L.D. 542 An Act To Reduce Property Taxes
- L.D. 575 An Act To Provide Property Tax Relief to Maine's Working Families
- L.D. 648 An Act To Increase the Earned Income Tax Credit for Maine Residents
- L.D. 718 An Act To Avoid Loss of Revenue to the State (EMERGENCY)
- L.D. 835 An Act To Amend the Individual Income Tax Laws
- L.D. 899 An Act To Ensure a Stable Percentage of Revenue Sharing for Municipalities
- L.D. 910 An Act To Fully Fund Municipal Revenue Sharing
- L.D. 963 An Act To Strengthen the Benefits of the State Earned Income Tax Credit for Childless Workers

S/Robert B. Hunt
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 171

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

May 27, 2015

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

Dear Secretary Priest:

This is notification of the Committee's action.

The House voted today to insist on its former action whereby it accepted the Minority Ought Not to Pass Report of the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act Regarding Contract Indemnification" (S.P. 203) (L.D. 587)

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 172

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

May 27, 2015

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

Dear Secretary Priest:

House Paper 92, Legislative Document 134, "Resolve, To Study the Impact of Winter Ticks on the State's Moose Population," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

84 voted in favor and 64 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 165

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

May 22, 2015

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 682 "An Act To Ensure the Administration of Written Driving Tests."

This bill will allow the Secretary of State to waive the required examination for a learner's permit upon receipt of a driver education course completion certificate. I do not support this policy and believe it is in the public's best interest to require student drivers to pass a uniform examination before receiving their learner's permit. Administering one standard test helps ensure students are retaining the proper knowledge and will be able to safely operate a motor vehicle in public. The Bureau of Motor Vehicles already has the necessary computers to administer the exams which can be offered in many different languages and are designed to prevent cheating.

We all can agree on how important it is to teach our young citizens sound driving skills. Maine's driving schools do a tremendous job preparing students for the road and a uniform examination will allow parents to determine which schools have the highest percentage of students passing the examination. This is an incentive for driving schools to provide the best educational experience possible which benefits everyone in Maine.

For these reasons, I return LD 682 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Ensure the Administration of Written Driving Tests
H.P. 463 L.D. 682

Comes from the House, 133 members having voted in the affirmative and 17 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#99)

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

NAYS: Senators: BURNS, EDGECOMB, MCCORMICK, WILLETTE

EXCUSED: Senator: GERZOFKY

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being excused, and 30 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: H.C. 166

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

May 22, 2015

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 880, "An Act To Permit Rate-adjustment Mechanisms for Water Utilities."

The bill potentially provides another route for the structure of water utility rates. I am concerned that the bill and underlying law does not allow sufficient participation from utility ratepayers to ensure that rate increases are truly necessary. Our laws governing our utility rates should be as transparent as possible. I am concerned that unless there is additional transparency, the ability for water utilities to pursue a decoupled rate design could lead to only additional confusion for citizens trying to determine whether the cost of a shower or a glass of water is really just and reasonable.

For these reasons, I return LD 880 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Permit Rate-adjustment Mechanisms for Water Utilities
H.P. 599 L.D. 880

Comes from the House, 110 members having voted in the affirmative and 40 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#100)

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

NAYS: Senator: EDGECOMB

EXCUSED: Senator: GERZOFKY

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being excused, and 33 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Prohibit Standardized Testing of Children before the Third Grade"

H.P. 361 L.D. 537

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-198)**.

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

READ ONCE.

Committee Amendment "A" (H-198) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Remove Barriers to School Construction Financing in Regional School Units"

H.P. 840 L.D. 1222

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-197)**.

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

READ ONCE.

Committee Amendment "A" (H-197) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Reporting Standards for Child Abuse"

H.P. 322 L.D. 483

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-193)**.

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

READ ONCE.

Committee Amendment "A" (H-193) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Access to Health Care through Telemedicine"

H.P. 443 L.D. 662

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-194)**.

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

READ ONCE.

Committee Amendment "A" (H-194) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Older Adults from Financial Exploitation" (EMERGENCY)

H.P. 917 L.D. 1348

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-196)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-196)**.

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

READ ONCE.

Committee Amendment "A" (H-196) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act To Amend Maine's Motor Vehicle Statutes"
H.P. 807 L.D. 1175

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-191)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191)**.

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

READ ONCE.

Committee Amendment "A" (H-191) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Improve the Veterans' Services Laws"
H.P. 470 L.D. 694

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-192)**.

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

READ ONCE.

Committee Amendment "A" (H-192) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Laws Regarding Nuclear Power Generating Facilities"
H.P. 891 L.D. 1313

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-182)**.

Signed:

Senators:

WOODSOME of York
HILL of York
MASON of Androscoggin

Representatives:

DION of Portland
BABBIDGE of Kennebunk
DUNPHY of Embden
GROHMAN of Biddeford
HIGGINS of Dover-Foxcroft
O'CONNOR of Berwick
WADSWORTH of Hiram

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

Signed:

Representatives:

BEAVERS of South Berwick
DeCHANT of Bath
RYKERSON of Kittery

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-182)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Lienholders To Remove Liens Once Satisfied"

H.P. 231 L.D. 337

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-136)**.

Signed:

Senators:

WHITTEMORE of Somerset
BAKER of Sagadahoc

Representatives:

FOLEY of Wells
MELARAGNO of Auburn
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
WALLACE of Dexter

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

Signed:

Senator:
GRATWICK of Penobscot

Representatives:
BECK of Waterville
BROOKS of Lewiston
COOPER of Yarmouth
MORRISON of South Portland
TUCKER of Brunswick

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Maximum Allowable Cost Pricing Lists Used by Pharmacy Benefit Managers"
H.P. 788 L.D. 1150

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

Signed:

Senators:
WHITTEMORE of Somerset
BAKER of Sagadahoc
GRATWICK of Penobscot

Representatives:
BECK of Waterville
BROOKS of Lewiston
COOPER of Yarmouth
FOLEY of Wells
MELARAGNO of Auburn
MORRISON of South Portland
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
TUCKER of Brunswick

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

Signed:

Representative:
WALLACE of Dexter

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-183)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To License Outpatient Surgical Abortion Facilities"
H.P. 890 L.D. 1312

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

Signed:

Senator:
JOHNSON of Lincoln

Representatives:
HOBBINS of Saco
EVANGELOS of Friendship
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
WARREN of Hallowell

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

Signed:

Senators:
BURNS of Washington
VOLK of Cumberland

Representatives:
GINZLER of Bridgton
GUERIN of Glenburn
HERRICK of Paris
SHERMAN of Hodgdon

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

Reports **READ**.

Senator **BURNS** of Washington moved the Senate **ACCEPT** the Minority **OUGHT 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 Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

Senate

Ought to Pass As Amended

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Modify Coverage for Eyeglasses for Children under the Provisions of the MaineCare Program and Review Certain Reimbursement Rates

S.P. 242 L.D. 649

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-127)**.

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

READ ONCE.

Committee Amendment "A" (S-127) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CYRWAY for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Facilitate the Issuance of a Gravestone for a Deceased Veteran with No Next of Kin"

S.P. 146 L.D. 378

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-126)**.

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

READ ONCE.

Committee Amendment "A" (S-126) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Restore Farmlands and Improve Watersheds"

S.P. 367 L.D. 1041

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-128)**.

Signed:

Senator:
DILL of Penobscot

Representatives:
HICKMAN of Winthrop
CHAPMAN of Brooksville
DUNPHY of Old Town
McELWEE of Caribou
NOON of Sanford
SAUCIER of Presque Isle

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

Signed:

Senators:
EDGECOMB of Aroostook
SAVIELLO of Franklin

Representatives:
BLACK of Wilton
EDGECOMB of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis

Reports **READ**.

Senator **EDGECOMB** of Aroostook moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is a bill which was brought to me by a farmer and, in sending it to me, referencing the Connecticut farmland restoration program which has been successful there, which that state has put \$5 million in bonded money into. She said, "Any chance of getting anything like this in Maine? This would be so useful. A lot of really excellent farmland is forested back over since Maine went out of the sheep business and no one can afford to stump it to get it back into production. We just looked at the Maine GIS website and estimated there are 36 prime acres of plowable land within one mile of our house that are currently wooded." Last spring the New England Food Vision report was released, which makes it really clear that Maine has an opportunity we shouldn't be passing up. We are the largest part of land that would support farming and food production in New England. We could be producing more than 50% of the food consumed in New England instead of only about 10% today. One of the challenges in that is increasing production. The acres in farming have actually grown about 8% from 2007 to 2012, based on USDA census. This is something which is still difficult for farmers to afford, whether it's clearing stumping and, thereby, expanding acres that are suitable for farming or it's solving a drainage problem or it's setting up so that they can raise livestock and addressing problems with livestock getting too close to

riparian zones. Whatever the issue is, farmers could use our help in achieving that growth, in achieving the potential to produce more of the food that Maine needs.

It came to my attention from work on the Ocean Acidification Commission last year that when we do so, when we help farmers with that, it's also really important that we address soil conservation at the same time because nutrient loading, non-point source from agricultural uses, is one of the contributing factors to localized ocean acidification affecting our clam flats. When clams dissolve because of the acidity of the mud flats, that doesn't do any good for the millions of dollars in Maine's economy that the clambers produce.

We have an opportunity with this bill to address this intersection of two important policy areas for the state of Maine. We can help the farmers with the grants that this program would set up of up to 50% of the cost of their improvements to a maximum of \$20,000. At the same time, because this program has them file a conservation plan of not only how they intend to improve the farmlands but also how they intend to proactively deal with the soil conservation issues that might arise out of doing so. This is good policy. It's been suggested by the department in their testimony that this is redundant of what NRCS offers for help with soil erosion problems to farmers in Maine. Well, frankly, I spoke with Mr. Hernandez, the NRCS State Conservationist for Maine, and found out the rest of the story. The funding, historically, has averaged about \$30 million for their programs in Maine. It's now down to between \$10 million and \$12 million this year. He described how the farmers' need for that funding has not gone down. I've also heard from farmers that, of the applications that are funded, there is a significant portion of those applicants that aren't anything to do with farming. It might be woodlot issues with soil conservation or others. Because of that decrease in funding, only one in three applications to NRCS are funded now, because they don't have the money. Those were his words. Because they don't have the money. He estimated that, because this is dealing with conservation plans or dealing with erosion control, that 60% or more of what L.D. 1041 does does fit with erosion control, which is something that NRCS does, but there are differences. NRCS won't expand acreage. I will repeat that. They can't put money into expanding acreage in farming. What they can do is deal with erosion control needs, problems that have already been created from current practices. He also noted that, while they won't expand acreage, there are significant opportunities to return former farmland that have grown up in trees and brush to farming again. He summed it up by saying that L.D. 1041 program initiatives are a welcome compliment to NRCS programs, and farmers agree.

This bill has the support of the Maine Farm Bureau, has the support of the Maine Organic Farmers and Gardeners' Association, has the support of the Maine Farmland Trust, has the support of the Maine Sustainable Agriculture Society. Farmers need our help with this and they need our help in helping them expand their production capacity while proactively dealing with soil conservation issues. Helping them invest in the quality of the soil, the health of the soil, so that they can produce the food we need in Maine and we, as Mainers, can become more self-sufficient in our food production. I would urge you to vote against the Minority Ought Not to Pass Report, acceptance of that report, and go on to doing something for Maine farmers. Follow my light. Thank you.

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

Senator **EDGECOMB:** Thank you, Mr. President. Ladies and gentlemen of the Senate, the good Senator outlined some of the excellent things that this bill would do, L.D. 1041. However, the Soil and Water Conservation District for each of the counties, as well as the USDA and NRCS, already have numerous programs that can assist in the goals of this proposed legislation. It creates a new program that requires additional funding in order to implement essentially is a duplication of what the Soil and Water Conservation District and the NRCS do already. The bill will fund, or accept money, and it actually develops a fund from which the public and private sources are its funding. That's who it would rely on for funding. The General Fund appropriation from the General Fund appropriates \$95,000 the first year and \$126,000 in the second year. The sad part of this is that 92% of that money will be spent for a one and one half time position. Mr. President, the time is not right for growing government. Thank you.

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

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll be brief. I just want to add a couple of points. This bill is a great compliment to ongoing programming that NRCS already has, the Natural Resource Conservation Services. They currently have financial assistance programs for conservation practices such as improved water and air quality, conserve ground and surface water, reduce soil erosion, sedimentation, and improved or created wildlife habitat. This bill will offer financial support for bringing land into agricultural production, such as removal of trees, stumps, general land clearing of overgrown pastures, cropland, etcetera. Also it will include installation of fencing to keep livestock in and wildlife out. It also can be used to restore shellfish beds or aquaculture ponds, plus several other areas, all to enhance land for increasing food or fiber production. I urge you to follow my light. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you, Mr. President. I rise again just to add a couple of more data points for your reference. This is something which I'm rather ashamed to say, frankly, Connecticut is doing for their farmers and Maine isn't. I don't understand why Connecticut, with as little land as they have in such programs, takes it upon themselves to support their farmers better than Maine does. It's really shameful that we don't take the needs and the interests of our farm businesses more seriously. They are, after all, a business. On top of being a business concern in the state of Maine and what they contribute to the economy, I know we all enjoy the food from farm stands, and other farm production, that comes right here from Maine that is much more flavorful than something that's been picked well before its time and shipped a couple thousand miles. There's value here to people of Maine. Connecticut should not be doing a better job of this than we can do here in Maine. Thank you, Mr. President.

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

Senator **EDGECOMB**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I choose not to give the Governor Huey Long version of my speech. I gave you the Gettysburg one. I just would like to add that the Department of Agriculture, Conservation and Forestry testified against this bill. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#101)

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

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

EXCUSED: Senator: GERZOFISKY

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **EDGECOMB** of Aroostook to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/26/15) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Authorize the Carrying of Concealed Handguns without a Permit"
S.P. 245 L.D. 652

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-119)** (6 members)

Tabled - May 26, 2015, by Senator **ROSEN** of Hancock

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

(In Senate, May 26, 2015, Reports **READ**.)

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

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

Senator **BRAKEY**: Thank you, Mr. President. I rise today in support of the Ought to Pass as Amended motion on L.D. 652, An Act to Allow the Concealed Carry of Handguns Without a Permit. It's possible members of this Body may know this bill by other names, as it is popularly known by several other titles, including "Constitutional Carry," "Permitless Carry," and "Vermont Style Carry." Simply put, this legislation seeks to allow law-abiding citizens, who can already legally own and carry a firearm, the right to carry a concealed handgun without a permit. This bill does not make any changes to Maine's current concealed carry permit systems other than making that system optional when carrying concealed within state borders, in areas where they are already authorized to carry open. It is important to note that this bill leaves our current concealed carry permitting system in place, as there are many who will still seek a permit for a multitude of reasons, including reciprocity with other states. Several states are already permitless carry states, including Vermont, Alaska, Arizona, Wyoming, and Kansas. Add to this more states that are currently considering becoming right to carry states, including our neighbor New Hampshire, which has already passed this legislation through their State House and State Senate. In fact, our radical and dangerous neighbor to the west, the State of Vermont, has allowed people to carry concealed without a license for 200 years without a problem. I certainly don't think the people of Vermont are smarter or more capable than the people of Maine and the people of Vermont have lived with this policy for two centuries without issue. If they can do it I'm certain we can as well. In fact, Vermont is ranked the safest state in the nation to live. On a side note, I'm sorry to report that as of this January, Vermont has even surpassed us as the safest state. In Maine,

we're only the second safest state in the nation. I certainly hope, once we pass this bill, we will then jump ahead to number one.

At its heart, this is a very modest proposal. It does not change, in any way, who can carry a firearm. It does not change what kind of firearms may be carried. It does not change where firearms may be carried. The only change this legislation proposes is how a handgun, and only a handgun, may be carried. We are simply allowing a legal gun owner to carry while wearing a jacket without a permit. Legally, there are two ways you can carry a handgun; open and concealed. Currently, anyone who can legally purchase a handgun can already carry it as long as it remains visible. That is open carry. The moment you put on a jacket that covers up your handgun, however, you are now an instant criminal unless you have a permit from the government giving you permission to wear that jacket.

There are many reasons our current permitting system does not work the way we would like it to. First, this artificial distinction between open and concealed creates blatantly absurd situations. Now, just imagine for a moment that you are a legal gun owner without a conceal carry permit. Imagine that you are just returning from the gun range and on your way home you stop by your local grocery store. You choose to leave your handgun in your car, but now you have a dilemma. Normally when you leave valuable equipment unintended in your car you would cover it up so it doesn't attract theft. You wouldn't leave, for example, a laptop computer out in the open, but you are legally required to leave your handgun out in the open. If you put that handgun in your glove compartment you have committed a felony. We want to keep these handguns out of the hands of criminals, but we require you to leave it unattended in your car, out in the open for anyone to see, bash in your window, and steal it for themselves. This is asking legal gun owners to abandon all commonsense. Second, if our goal is to prevent violent criminals from accessing guns, the current permitting policy makes no progress towards that goal. If someone plans to commit a crime with a firearm they have little incentive to seek a permit before committing their crime. Just as a criminal intent on doing harm with a firearm doesn't cancel his plans because of a sign declaring an area a gun free zone, lacking a permit is not going to stop a criminal without respect for the law from carrying concealed. This policy only impacts those who seek to remain law abiding citizens, those who choose to participate with the permitting system. By erecting barriers to the legal right to bear arms we discern the very people who enhance public safety and empower those who are intent on doing harm. As our State Police, who testified in favor of this bill, have stated, they would rather focus their limited resources on going after those prohibited from carrying, not on screening everyone who may legally carry one. Third, if our goal is to enhance public safety through firearm training, again, the permitted system makes little progress towards the goal. The State of Maine requires no training to carry a handgun. The State only requires training to wear a jacket while carrying a handgun. Add to this the fact that there is a wide range of quality in the firearms training available here in Maine. On the high quality side of the spectrum, there are true centers of excellence where everyone who takes a concealed weapons course spends the entire day with skilled trainers, learning the laws of the State, understanding gun safety, and receiving hands-on training with firearms. On the other side of the spectrum you have training programs that have companies called certificate mills. Students of these certificate mills are often in and out in two hours or less with no hands-on firearms training. Upon completion of either of

these programs, a concealed carry permit is available, but the quality of the training is at a huge disparity. If an individual's only goal is the permit, they will likely go to a certificate mill, where they may not learn much but they can, ultimately, get that permit. If an individual's goal is to become a skilled gun owner, who also has a permit, they will likely go to a center of excellence. A permit is not a guarantee of real training.

Furthermore, when we examine the results in states where Constitutional Carry is now the law, we find very positive trends showing that training actually increases when it is not mandated. Let's take Arizona as a case study. Arizona first began issuing concealed carry permits on September 8, 1994. In order to qualify for an Arizona permit applicants must complete a firearm safety training program as prescribed and demonstrate competence by providing adequate documentation of completion as prescribed. The permit cost is \$60. In the first 16 years of Arizona's concealed carry permitting program Arizona issued an average of about 9,500 permits per year. This changed on July 10, 2010 when permitless carry took effect, making the permit optional in Arizona. Since permitless carry took effect in 2010 Arizona has issued about 15,500 permits per year. More law abiding gun owners in Arizona, 63% more, are seeking training and obtaining a permit after the permit became optional than when it was government mandated. The economics back up the data. When someone believes that there is a high barrier to carrying a gun it acts as a deterrent to purchasing one. Once one has purchased the firearm, an individual considered the incremental cost of training rather than aggravating the cost into the purchase. Additionally, without a government mandated minimum level of training, the student does not quickly reach a point at which they are satisfied with their training, having fulfilled what the State said was enough.

Finally, I'm just proud to say that, with 96 members of the Maine Legislature having sponsored this commonsense proposal, including Republicans and Democrats in both the House and the Senate and members of Leadership in both parties, I'm very proud of that accomplishment. Today, I hope this Body will join me in passing this important legislation. Thank you very much, Mr. President, and thank you for the time.

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

Senator **GERZOFSKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill is about a lot of things. It's not about guns and coats. It's about throwing the baby out with the bathwater, maybe. It's about going backwards in time. I served on a committee for quite a few years, as most of you know. We've been working on gun issues as long as I've been there. Some of the best education came out of that committee early on, especially my first session. I got to talk to some very wise people. They explained to this freshman, at the time, what the Legislature should and can do to make things better for people like me that not only collect guns, shoot guns, and hunt with guns. I've been an avid gun collector all my life, since I was a kid anyways. Most of the people I know socially own, shoot, hunt with guns. This has been a big subject in my Senate district. I have office hours, as many people know, a couple of times a month, consistently. I've had, as you can well imagine, a lot of people come in and talk to me from my district. They say, "Stan, you understand guns. What's with those people up in Augusta? Don't they?" I said, "Of course they do." This bill was brought to us and we're going to

debate it today and we're going to have a vote today. I hope that we all remember that old saying about throwing the baby out with the bathwater, Mr. President, because that's what we're going to do. We passed a bill here in the Senate, and in my committee, in the last week or two that dealt with reciprocity with other states. One of the strongest requirements from those other states is going to be that we have a system in this state. Now you can have a bill that says, "If you can pass the test, you can have a permit. If you can't pass the test, you can do it anyway." That's kind of like an odd way of thinking to me. We're going to protect the people that can't pass a safety test, we're going to grant people that can't pass the background check on a concealed weapons permit, to just carry a gun anyway. I don't understand that. From the committee's perspective, I don't understand that. The Majority Report was not this report. This is the Minority Report of the committee. Mr. President, when we look at all the work we've done over the years here, together, on trying to make concealed weapons process smoother, easier, more responsible.

Every law enforcement agency in the state, except the one that's controlled by the second floor, is opposed to this legislation. Every sportsman's group that I've talked to is against this legislation. I'm wondering why we're spending this much time on this legislation because it really doesn't get some people what they would like, but it's going to prevent an awful lot of other people from getting what they need. If they're going on a trip, if they're traveling out-of-state, we're working with other states now in recognizing each other's concealed weapon permits. Mr. President, we've gone a long way in making that happen just this week, Senator Davis' bill that the committee supported and it was in here and we passed it because it's important, more important than my lunch. I've got an opportunity to stand here today and try and talk to the Legislature, do my job that my constituents sent me up here for, Mr. President. I'm going to do that. I'm going to ask this Body to use the great commonsense that we all showed up here with and do something for the people of the state of Maine, especially for those gun owners that so desperately want to be able to travel on their vacation this year with their permit and have it honored in other states. Once we start taking down the system we have, we're going to lose that opportunity.

I think that that's a shame. We've been working so many years to make things come out right and to be able to pass these pieces of legislation. Now we have a piece of legislation that is just going to take us back in time and put us in a negative position on trying to work with other states, and trying to make it more difficult up here. If that wasn't the truth you wouldn't have every law enforcement agency, the Maine Sheriff's Association, the Maine Chiefs of Police Association, all those guys and women that are on the ground, working every day to make this state safer. We have the safest state in the country. Let's not turn it back in time. Thank you, Mr. President, for the opportunity to speak in front of the Legislature.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I appreciate the opportunity to rise and speak in opposition to the pending motion. That will come as no surprise to you. I don't believe that it will come as any surprise to many of you that I care a lot about safety when it comes to guns. Personally, I've taken four safety courses. I've taken handgun handling. I've taken my traditional hunter safety course.

I've taken a home security course. I've taken my concealed permit course as well. Many of these are offered by the NRA, an organization which I have great respect for for the educational capacity that they bring to some of these programs. As a matter of fact, NRA is a big supporter of education. They will tell you that, and they do on their website. They say on their website, and rightly so, they have 97,000 instructors and range safety officers, 5,700 coaches, and 1,800 training counselors available for people all across this country. That tells you something about their commitment to safety. I think if we go with a permitless system that we are going to lose a lot of the safety aspects of concealed carry. I think most of you have heard about that from both sides, how important it is.

One of the things I learned in the home security course, because most often you think about concealed carry as a method of protection, I'd like to be sure that I've got a firearm with me when I'm in different difficult situations. People think about that as security. The very first thing I learned when I took my home security course was that I had to answer the question about whether I was willing to take the life of another human being. That was a pretty startling question, one that I didn't expect. It's the second question that I don't know that I fully answered for myself: am I, as an individual, prepared to accept the personal, the legal, and the financial responsibility of an action of that sort? Those are tough questions. Those are not things that are barriers that are easily overcome when you're making a decision about whether you're going to conceal a weapon for your own safety. This is not Hollywood. You don't wound people in the knee and they fall down if you're in one of those difficult situations. That's not what it's about. I only talk about this just to let you know some of the level of education that goes on in the courses that are provided when you take your permit. Besides those personal pieces of information about safety and security for yourself, you also are required to spend the time learning about the laws of the State of Maine, as well as proper handling, and your legal responsibilities if you do carry concealed and, or if, you use that weapon. It's been my experience, and I've belonged to a couple of rod and gun clubs, people that I admire and respect and would trust by my side with a firearm, who take pride in the fact that they have a concealed carry permit, that believe that that education and that safety and their attendance to the value of that education and safety outweighs the consideration that we have in front of us today. I think it's important for the people who have passed the course, who have the concealed permits, and I think maybe you all heard from some of them, that this is something that's important to them and of value. I think we shouldn't turn our backs on it.

As to the problem that my colleague, the good Senator from Androscoggin, Senator Brakey, brought up about certificate mills. I would be so glad to work with him on making sure that the courses that are provided meet the standards of the ones that I took and that ones that I have confidence in. That's a side issue to what's on today and probably out of context for the issue at hand, Mr. President, but I would encourage people to reject this Minority Report and not to allow this kind of carry in our state of Maine. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising a second time. I wanted to speak to some of the arguments

made by my colleague from Cumberland, Senator Gerzofsky. I appreciate all the debate, the forthright debate, on this issue and understand it's a very important issue. I just wanted to note that he mentioned concerns about whether or not this would impact our reciprocity with other states and I would just note that no state, as far as I can tell and no one has demonstrated otherwise in all the debate on this, that has become a permitless carry state has lost any reciprocity with any other states. I think that that concern is, I'm not sure what that's founded in. Second, there was a question about, the argument was raised that no sportsmen group in this state supports this. I'm not sure where that comes from because I know that the Sportsman's Alliance of Maine, which is the largest sportsman's group in the state with between 9,000 and 10,000 members, Maine citizens, is in support of this. I'm not sure where that claim comes from. Thank you, Mr. President, and I apologize for rising a second time.

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 rise very briefly to speak about this issue. I'm very much in support of this issue. I think it's been a long time coming. I just want to address a couple of issues that have been mentioned. I've great respect for my colleagues on the other side of the aisle here, especially Senator Gerzofsky and Senator Haskell. I've served with them on the same committee for several years. I think I come from a different background and a different perspective than they do, especially on this particular issue. The first thing that I want to mention is what has been represented to this Body concerning all the police officers that are against this. I think there are two or three of us in this Body that know more police officers than any of the rest of you for obvious reasons, because that's been our career. I don't have any hesitation at all to say that most rank and file police officers think that this is a reasonable move. I sat through the committee hearings. I had the opportunity to hear everybody, pro and con, on this issue. I heard from the opposition who said that they spoke for police officers. I wasn't convinced by their testimony. I consider some of their statements to be inaccurate and not representative of those that have sworn to protect us in these communities. I questioned them about that. I wasn't satisfied with some of the responses, but I can say that it's inappropriate to say that because one agency spoke in favor of this that they are being controlled by somebody. I don't believe that for a second. I've talked to many of the management. I've talked to the rank and file. I know that's not the fact. The fact is these officers know that this isn't the issue. The issue is those who are carrying weapons that are not allowed to under the law because of being felons or because of other restrictions. That's their concern. That's the concern that these men and women have every day when they go out on the street. They keep that in mind. That is foremost on their mind and they assume that everybody that they approach may be one of those people until proven otherwise. That's just the nature of the beast. I'm sorry, but that's the way it is. As far as law abiding citizens, they don't have those concerns. I've never had a concern in my career as a police officer with law abiding citizens having and carrying weapons. Personally, I would rather they carried them under their coats than I would on the outside because I think it raises less concern by the general public. Why it should, I don't know, but that seems to be the way it is. As far as law abiding citizens being able to carry a weapon,

that doesn't concern me whatsoever. I don't think it should concern this Body.

I think we've heard some very impressive facts. I certainly heard them during the debate and the discussion in the Criminal Justice Committee that this has proven to be more of a safety factor for those states that have adopted these policies. I think we'll see the same thing here in Maine. I have great confidence in our citizens to properly and appropriately use those weapons. I think you're going to see more and more training, self-initiated. I think that's the way people are now. People are taking more interest in weapons and I think that's a good thing. Just like driving a car, I don't think anybody should touch a firearm until they've been properly introduced to it, properly trained. I think we can trust our citizens to do that.

I think the only other thing that I would mention is, and I mentioned it this morning to another group, I spent most of my adult life and career as a police officer. If I had any discomfort with this as far as it being a detriment or a danger to society, our citizens, or my fellow police officers I would not support it. I don't have that concern. I hope you will follow me and support the Minority Report. Thank you, ladies and gentlemen.

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

Senator **GERZOFSKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I know the rules. I get up a second time just to put on a smile. I've been referred to in this Body and the other Body as that gun totting Bubba from Vermont because most people know I am from Vermont, most people know I am a gun totting Bubba, but the reality is that nobody in Vermont can go to any other state and carry a concealed weapon without a permit from that state. When I moved here from Vermont I could not carry a concealed weapon, even though in Vermont they never voted for the concealed weapon permits, back to when it became a nation law back in 1917. They never got on that bandwagon. There were about 300,000 people. There were more cows than people in Vermont and we all live in little villages that know each other. Up here in Maine, as they did in the rest of the country, they voted for that law. That law has been ruling the country ever since until recently. Of all the work that we've put in, Maine, the safest state in the country for many reasons, hasn't seen fit to do this. What we saw fit to do was to make it easier, smoother, more transparent to get these permits. When people get up and speak, let's talk about what we really understand and know. Don't start telling me about not having permits in Vermont. I lived there for too long. I know the ramifications. I always owned a gun when I was there. I owned a lot of guns when I was there. I own them here. I know the difference. Let's be correct in what we're saying. We are the safest state in the country for a reason. We are a state that has a process in place to start recognizing other states. We've been doing it for a couple of years on a few states. Now we're going to do it on most states. That's already in place. We have been dealing with how do we do this and get along with the rest of the states and we've made it work. We had the Massachusetts' Police Association coming up and talk to us about the same stuff I'm talking about right now, Mr. President. We had the Sheriff's Association come in and talk to us just about what I'm talking about right now, Mr. President. I can't tell you how many law enforcement people that come into Criminal Justice and Public Safety on a regular basis that we know, we have relationships with, we know what they're thinking, and we know

what their advice is. Their advice is not to let this bill see the light of day because it's going to set our sportsmen and our gun owners backwards, not forwards. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen 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 (#102)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-119) **READ.**

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-143) to Committee Amendment "A" (S-119) **READ.**

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, L.D. 652 is a bill that I have very much wrestled with. This is my third term serving as a legislator and in my first term I voted against a similar bill. In my second term I voted in favor of a similar bill. This time I just voted against. One of the things that I wrestled with the most, particularly after having taken a concealed weapon permit class myself, is that Maine has, and every state in this country has, a lot of gun laws. I worry about people who, with no training, will be ignorant of the number of laws that they have to consider even when using a weapon in self-defense. I present this amendment. I believe that it's very reasonable. It's just one more opportunity to call attention to the fact that these people, when they purchase a handgun, are going to receive information on gun safety. My amendment would direct the Department of Public Safety to have a webpage dedicated to Maine-specific gun laws so that people could very easily educate themselves. This would cost them nothing except for an acknowledgement of receipt of having received the information that they are going to receive in the shop anyways upon the purchase of a firearm and also something that will instruct them,

either a printout of Maine's gun laws, or instruct them to go to the website. This is something that the Department of Public Safety can do within existing resources, so it shouldn't incur a fiscal note. I believe it's reasonable and I believe it will help people understand the great responsibility they are taking upon themselves when choosing to purchase and/or carry a handgun. Thank you.

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

Senator **HASKELL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd like to pose a question, if I might, through the President.

THE PRESIDENT: The Senator may pose her question.

Senator **HASKELL:** Thank you, Mr. President. Actually there are a series of questions here. My first question regarding this amendment is: I believe it's my understanding that a safety brochure is already required to be provided in any new firearm. I may be incorrect about that, but I would like to have somebody confirm or deny that. The second is: this is only purchases from a dealer. I don't believe that it covers private sales, but only dealers. If I'm incorrect about that I'd like to know that. I guess the third item is that the good Senator spoke of laws and how important it was to understand the laws, if she and I had taken the same course we learned a lot about the laws in that course that we didn't learn here in this building. It indicates here that the brochure is only a basic safety brochure and does not have anything to do with laws. I would ask whether or not that was the intent. Thank you.

THE PRESIDENT: The Senator from Cumberland, Senator Haskell poses a series of questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Thank you, Mr. President. I do wish to answer some of the good Senator from Cumberland's questions. You are correct. I am reading this now and it does just say firearms safety brochure, which they do receive from dealers already. My goal would actually be for them to also receive information on specific Maine laws. I would still urge support of this amendment and further action, I guess, can be considered when we get further along in the process. It does only cover dealers because I believe that it would be very difficult to govern what goes on in private sales. This is directed specifically at dealers who are accustomed to having certain forms that need to be filled out. They would have to do a background check already. They do have to give the safety information, which often times, it's my understanding, even comes from the gun manufacturer. I am happy to work with others to improve this if we get to that point. Thank you.

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

Senator **HASKELL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I thank the good Senator for her responses and, because this amendment does not appear to move in the direction in which it was intended, I would encourage

Ought Not to Pass on acceptance of this amendment. Thank you.

On motion by Senator **HASKELL** of Cumberland, 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 Volk to Adopt Senate Amendment "A" (S-143) to Committee Amendment "A" (S-119). 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 (#103)

YEAS: Senators: BAKER, HILL, KATZ, MCCORMICK, ROSEN, SAVIELLO, VOLK

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

7 Senators having voted in the affirmative and 28 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ADOPT** Senate Amendment "A" (S-143) to Committee Amendment "A" (S-119) **FAILED**.

Committee Amendment "A" (S-119) **ADOPTED**.

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

Sent down for concurrence.

Off Record Remarks

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by Senator **BRAKEY** of Androscoggin, **ADJOURNED** to Friday, May 29, 2015, at 10:00 in the morning.