

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

In Senate Chamber  
Wednesday  
May 29, 2013

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

Prayer by Pastor Sue Gabrielson, Sanford Unitarian Universalists Church in Sanford.

**PASTOR GABRIELSON:** Some of my colleagues in our liberal religious tradition would be upset that I'm here as they feel that prayer doesn't necessarily belong in government. For me, any chance to lift up our Unitarian Universalists principles to a captive audience makes sense to me. Who couldn't use a moment of grounding after traveling here to get ready for a hard day's work? I offer you this reflection. In this spring season of rebirth and renewal, a grace appears in the world on mornings such as these, when people gather together and we gently warm this place by our presence, when the simple beauty of being human unfolds like spring. We come together this morning to remind one another to savor the air as it grows warmer and easier to breathe, to love the earth again, to have the patience of a spring flower bulb, while we wait once more for the sun to continue to show its strength. Let us be mindful as we take to heart our obligation to one another during our discussions, especially as we find ourselves in the midst of exploring volatile issues. We must remember the spiritual life that calls us to be compassionate, loving human beings. We must remember that the individuals with whom we may disagree are no less human, no less worthy than ourselves. Bring us to understand that our political view express what we strive for and what we're afraid of, what we're trying to protect and what we are defending against, what we are angry about, and what we may have given up on. Our passion is grounded in our experience, so give us the strength to better understand one another and grant us the gift of empathy so that we hear more than just viewpoints and arguments, that we listen for the yearning and the pain behind them. In the words of John F. Kennedy, who would have been celebrating his 96<sup>th</sup> birthday today had he lived, "Let us not despair but act. Let us not seek the Republican answer or the Democratic answer, but the right answer. Let us not seek to fix blame for the past, let us accept our own responsibility for the future." Blessed be and Amen.

Pledge of Allegiance led by Senator Geoffrey M. Gratwick of Penobscot County.

Reading of the Journal of Tuesday, May 28, 2013.

Doctor of the day, Timothy Pieh, MD of Rome.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Notice of Risk to Personal Data Act To Further Protect Consumers" H.P. 133 L.D. 158

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-151)** (6 members)

In House, May 15, 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-151)**.

In Senate, May 23, 2013, Reports **READ**. Motion by Senator **GRATWICK** of Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **FAILED**. Subsequently, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **GOODALL** of Sagadahoc, the Senate **INSISTED**.

**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Ensure Accountability in State Contracts"

S.P. 406 L.D. 1169  
(C "A" S-67)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-67)** (3 members)

In Senate, May 23, 2013, on motion by Senator **LACHOWICZ** of Kennebec, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-67)**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **FAILED**. Subsequently, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **GOODALL** of Sagadahoc, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

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**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish the Computer Crimes Unit Fund and Authorize the Department of Public Safety To Accept Donations for the Fund"

S.P. 428 L.D. 1234  
(C "A" S-114)

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-114)** (2 members)

In Senate, May 23, 2013, on motion by Senator **GERZOFSKY** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-114)**.

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

On motion by Senator **GOODALL** of Sagadahoc, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

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**COMMUNICATIONS**

The Following Communication: H.P. 1120

**CITY OF AUBURN, MAINE**

Jonathan LaBonte, Mayor  
IN CITY COUNCIL  
RESOLVE 03-05132013

**Expressing the Opposition of  
the City Council of the City of Auburn to  
Proposals to Shift the Burden off Funding  
State Government to the  
Property Tax and Property Tax Payer.**

WHEREAS, the State Administration has submitted a proposed budget for the coming biennium that will shift the funding state government to the property tax by eliminating or significantly modifying longstanding revenue sharing and property tax relief programs; and

WHEREAS, the proposal to suspend municipal revenue sharing would result in a \$2.4 million revenue loss to the City of Auburn and, representing 6.4% of the City's general fund operating budget and \$1.19 on the property tax rate; and

WHEREAS, the proposal to redirect the excise tax on tractor trailers, despite the presence of Maine's largest dry goods port within our City limits, is estimated to reduce City revenue available for road construction by an additional \$300,000 or \$0.14 cents on the tax rate; and

WHEREAS, eliminating the homestead exemption in FY 15 for those under 65 will increase taxes for no longer qualifying residents by \$196 on the net median home value in that year if the City's tax rate remains unchanged, representing a tax increase of over 6.67% for most of those losing the exemption; and

WHEREAS, low and moderate income residents under the age of 65 who now qualify for the state property tax circuit breaker program will no longer qualify for it in the coming budget year; and

WHEREAS, starting in the second year of the biennium, the business equipment tax reimbursement program (BETR), under which businesses are fully reimbursed for property taxes paid on certain business equipment, will be eliminated with most qualifying property transferred to the business equipment tax exemption program (BETE). Under this program, the City will be reimbursed by the State for 60% of the taxes due; and

WHEREAS, the elimination of the business equipment tax reimbursement (BETR) and the modification to the business equipment tax exemption (BETE) will have a significant impact on the City's commercial taxpayers, many of whom make-up the economic engine for the State of Maine, providing jobs and good paying salaries and benefits. The elimination of the BETR program will adversely impact the retail sector, a sector who will not qualify under the BETE program. Additionally, all businesses within the BETR program will experience an 18 month void in State reimbursement until those businesses qualify for BETE program funds; and

WHEREAS, further staffing and expenditure reductions of the magnitude to remove or mitigate these losses, without financial support to implement shared service or consolidation efforts, would undermine the City's ability to provide local public services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUBURN, that the City Council hereby expresses its strong opposition to provisions included in the recently proposed state budget that would shift the burden of funding state government to the property tax and property taxpayer. These proposals, even if consolidation efforts were pursued, would lead to an increase in property taxes in Auburn, taxes which often are unrelated to the ability of property owners to pay, or require further service reductions. And while consolidation efforts, even if fully implemented at the start of the new fiscal year, would not be sufficient to replace revenue sharing, the City Council does stand ready to discuss how state incentives could advance those opportunities;

BE IT FURTHER RESOLVED, that the City Clerk is directed to provide copies of this RESOLVE to the members of the Legislature representing the City of Auburn, members of the Appropriations and Taxation Committees, the Governor, the Speaker of the House, the President of the Senate and the Legislative leadership.

A TRUE COPY ATTEST  
S/Susan Clements-Dallaire, City Clerk

Passage on 5/13/2013, 6-0-1 (Councilor Crowley was out of the room during the vote).

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

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

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The Following Communication: S.C. 403

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT**

May 24, 2013

The Honorable Darek Grant  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary Grant:

With reference to the Senate's action whereby it insisted and asked for a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act To Restore to Jimmy J. Soucy the Right To Maintain Existing Structures on Property in Sinclair" (S.P. 95) (L.D. 262)

I have appointed as conferees on the part of the Senate the following:

- Senator Troy Jackson of Aroostook
- Senator James Boyle of Cumberland
- Senator Roger Sherman of Aroostook

Sincerely,

S/Justin L. Alfond  
President of the Senate

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: S.C. 404

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

May 21, 2013

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

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

- L.D. 751 An Act To Limit the Effect of Standardized Tests on Teacher Evaluations
- L.D. 1481 An Act To Ensure the Success of Maine Students (EMERGENCY)

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

Sincerely,

S/Sen. Rebecca J. Millett  
Senate Chair

S/Rep. W. Bruce MacDonald  
House Chair

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

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The Following Communication: S.C. 405

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

May 17, 2013

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

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

- L.D. 795 An Act To Amend the Net Energy Billing Program To Allow Participation by Certain Municipal Entities
- L.D. 1146 An Act To Encourage the Use of Renewable Energy
- L.D. 1403 Resolve, To Require the Public Utilities Commission To Amend Its Rules Regarding Net Energy Billing

**READ and ORDERED PLACED ON FILE.**

The Following Communication: H.C. 181

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

May 28, 2013

Honorable Darek M. Grant  
Secretary of the Senate  
126th Maine Legislature  
Augusta, Maine 04333

Dear Secretary Grant:

House Paper 318, Legislative Document 468, "An Act To Protect Public Health at Public Institutions of Higher Education," 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?"

85 voted in favor and 54 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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

Sincerely,

S/Sen. John J. Cleveland  
Senate Chair

S/Rep. Barry J. Hobbins  
House Chair

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

The Following Communication: H.C. 180

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

May 28, 2013

Honorable Darek M. Grant  
Secretary of the Senate  
126th Maine Legislature  
Augusta, Maine 04333

Dear Secretary Grant:

House Paper 228, Legislative Document 319, "Resolve, To Direct the Department of Administrative and Financial Services, Bureau of Revenue Services To Report on Conformity with the Streamlined Sales and Use Tax Agreement," 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?"

0 voted in favor and 136 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**ORDERS**

**Joint Order**

On motion by Senator **CLEVELAND** of Androscoggin, the following Joint Order:

S.P. 594

ORDERED, the House concurring, that the Joint Standing Committee on Energy, Utilities and Technology shall report out, to the Senate, a bill regarding energy policy.

**READ**

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **CLEVELAND** of Androscoggin to **PASS**.

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Address Human Trafficking, Sex Trafficking and Prostitution"

H.P. 824 L.D. 1159

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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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Repeal Certain Maine Criminal Code Provisions Addressing So-called Bath Salts Containing Synthetic Hallucinogenic Drugs and Instead To Define Them as Schedule W Drugs"

H.P. 1033 L.D. 1439

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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The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Laws Pertaining to Employee Health Insurance"

H.P. 1072 L.D. 1495

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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The Committee on **JUDICIARY** on Bill "An Act Regarding the Disclosure of Certain Records in Criminal Matters"

H.P. 623 L.D. 900

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 **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Department of Education To Develop School Building Security Plans

H.P. 629 L.D. 905

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-227)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)**.

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

**READ ONCE**.

Committee Amendment "A" (H-227) **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 Enhance Efforts To Use Locally Produced Food in Schools"

H.P. 829 L.D. 1185

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-233)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-233)**.

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

**READ ONCE**.

Committee Amendment "A" (H-233) **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 Amend the Rule Regarding Certain Mandatory Charity Care Policies To Be Consistent with MaineCare and the Federal Patient Protection and Affordable Care Act  
H.P. 429 L.D. 610

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-236)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-236)**.

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

**READ ONCE.**

Committee Amendment "A" (H-236) **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 Create an Open Enrollment Period Consistent with Federal Regulations for Health Insurance Exchanges"  
H.P. 563 L.D. 812

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-240)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-240)**.

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

**READ ONCE.**

Committee Amendment "A" (H-240) **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 Increase Mileage Reimbursement and Compensation for Jurors"  
H.P. 1012 L.D. 1424

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-232)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232)**.

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

**READ ONCE.**

Committee Amendment "A" (H-232) **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 Resolve, Directing the Nursing Home Administrators Licensing Board To Amend Its Rules To Permit Certain Registered Nurses To Serve as Administrators of Nursing Facilities and To Change Provisions Governing Continuing Education Requirements  
H.P. 374 L.D. 555

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-241)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-241)**.

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

**READ ONCE.**

Committee Amendment "A" (H-241) **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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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Promote and Expand Awareness of the Educational Opportunity Tax Credit"  
H.P. 926 L.D. 1300

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-238)**.

Signed:

Senators:

MILLETT of Cumberland  
JOHNSON of Lincoln  
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay  
DAUGHTRY of Brunswick  
HUBBELL of Bar Harbor  
JOHNSON of Greenville  
KORNFELD of Bangor  
McCLELLAN of Raymond  
NELSON of Falmouth  
POULIOT of Augusta  
RANKIN of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-239).**

Signed:

Representative:

MAKER of Calais

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (H-238)** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-238)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-238).**

Reports **READ.**

On motion by Senator **MILLETT** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-238)** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-238) **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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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Newborns Exposed to Drugs or Alcohol"

H.P. 194 L.D. 257

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-234).**

Signed:

Senators:

CRAVEN of Androscoggin  
HAMPER of Oxford  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
MALABY of Hancock  
McELWEE of Caribou  
SANDERSON of Chelsea  
SIROCKI of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-235).**

Signed:

Representatives:

GATTINE of Westbrook  
STUCKEY of Portland

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (H-234)** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-234)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-234).**

Reports **READ.**

On motion by Senator **CRAVEN** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-234)** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-234) **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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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Give Certain Landowners First Priority for Antlerless Deer Permits"

H.P. 363 L.D. 544

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

Signed:

Senators:

DUTREMBLE of York  
HASKELL of Cumberland

Representatives:

SHAW of Standish  
CRAFTS of Lisbon  
DAVIS of Sangerville  
ESPLING of New Gloucester  
EVANGELOS of Friendship  
KUSIAK of Fairfield  
MARKS of Pittston  
SHORT of Pittsfield  
WOOD of Sabattus

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

Signed:

Senator:

BURNS of Washington

Representative:

BRIGGS of Mexico

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

Reports **READ**.

Senator **DUTREMBLE** of York 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.

**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 wanted to very briefly speak on this bill. As you can see, I'm in the Minority on this. I thought it was a very good bill that the good Representative from Mexico put in. It's an effort to, I think, improve relationships with land owners. As you know, the bill would have allowed for land owners who have 25 continuous acres or more that open that up to hunting to be given kind of first dibs on antlerless deer permits. Not a lot of people would take advantage of that, but some would. I think, again, it's a good public relations thing for people to keep their property open so hunters and other sportspeople can enjoy it. I would just urge you to reject the Majority Report and consider the Minority. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Dutremble 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 (#112)**

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 **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Enhance the Protection of Native Fish Species"

H.P. 364 L.D. 545

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  
EVANGELOS of Friendship  
KUSIAK of Fairfield  
MARKS of Pittston  
SHORT of Pittsfield

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

Signed:

Representative:

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.

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Enable Municipalities To Establish Business Development Loan Programs Using Municipally Raised or Appropriated Money"  
H.P. 405 L.D. 586

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-229)**.

Signed:

Senators:

LACHOWICZ of Kennebec  
COLLINS of York

Representatives:

GRAHAM of North Yarmouth  
BOLAND of Sanford  
BOLDUC of Auburn  
CHENETTE of Saco  
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 Not To Pass**.

Signed:

Representatives:

COTTA of China  
HAYES of Buckfield  
NADEAU of Winslow

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-229)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-229) **READ** and **ADOPTED**, in concurrence.

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

**Senate**

**Ought to Pass As Amended**

Senator MILLETT for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Stabilize Education Funding by Reducing the Impact of Changes in Property Valuation"  
S.P. 51 L.D. 130

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

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

**READ ONCE**.

Committee Amendment "A" (S-128) **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.

Senator MILLETT for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve Maine's Charter School Laws"  
S.P. 171 L.D. 439

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**.

Ordered sent down forthwith for concurrence.

Senator MILLETT for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow Charter Schools To Request Waivers from Certain Requirements"  
S.P. 267 L.D. 729

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-137)**.

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

**READ ONCE**.

Committee Amendment "A" (S-137) **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 BOYLE for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Regarding Reconstruction of Residential Structures on Sand Dunes" (EMERGENCY)

S.P. 384 L.D. 1102

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-132)**.

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

**READ ONCE**.

Committee Amendment "A" (S-132) **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 CRAVEN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Exempt Certain Businesses from Being Considered Campgrounds" (EMERGENCY)

S.P. 215 L.D. 625

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-134)**.

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

**READ ONCE**.

Committee Amendment "A" (S-134) **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 Regarding the Maine Guaranteed Access Reinsurance Association"

S.P. 404 L.D. 1167

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**.

Ordered sent down forthwith for concurrence.

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Senator MAZUREK for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws"

S.P. 494 L.D. 1392

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-133)**.

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

**READ ONCE**.

Committee Amendment "A" (S-133) **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 TUTTLE for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Improve the Military Bureau Laws"

S.P. 78 L.D. 242

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-131)**.

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

**READ ONCE**.

Committee Amendment "A" (S-131) **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 TUTTLE for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Clarify the Law Regarding Advertising Signs outside Premises Licensed To Sell Alcohol"

S.P. 457 L.D. 1318

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-129)**.

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

**READ ONCE**.

Committee Amendment "A" (S-129) **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.

Senator TUTTLE for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase the Monetary Limit for Card Games"

S.P. 474 L.D. 1355

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-130)**.

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

**READ ONCE**.

Committee Amendment "A" (S-130) **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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Promote Sustainable Food Policies"

S.P. 283 L.D. 745

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

Signed:

Senator:  
SHERMAN of Aroostook

Representatives:  
BLACK of Wilton  
CRAY of Palmyra  
HICKMAN of Winthrop  
KENT of Woolwich  
MAREAN of Hollis  
NOON of Sanford  
SAUCIER of Presque Isle  
TIMBERLAKE of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-136)**.

Signed:

Senators:  
JACKSON of Aroostook  
BOYLE of Cumberland

Representatives:  
DILL of Old Town  
JONES of Freedom

Reports **READ**.

Senator **JACKSON** of Aroostook moved the Senate **ACCEPT** the Minority **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 Minority **OUGHT TO PASS AS AMENDED** Report.

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools" (EMERGENCY)

S.P. 340 L.D. 995

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

Signed:

Senators:  
MILLETT of Cumberland  
JOHNSON of Lincoln

Representatives:  
MacDONALD of Boothbay  
DAUGHTRY of Brunswick  
HUBBELL of Bar Harbor  
KORNFIELD of Bangor  
NELSON of Falmouth  
RANKIN of Hiram

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

Signed:

Senator:  
LANGLEY of Hancock

Representatives:  
JOHNSON of Greenville  
MAKER of Calais  
McCLELLAN of Raymond  
POULIOT of Augusta

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

Reports **READ**.

Senator **MILLETT** of Cumberland moved the Senate **ACCEPT** the Majority **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 Majority **OUGHT TO PASS** Report.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide Consistency in the Application of the Property Tax Exemption for Religious Organizations"  
S.P. 343 L.D. 998

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-135)**.

Signed:

Senators:

HASKELL of Cumberland  
MILLETT of Cumberland  
THOMAS of Somerset

Representatives:

GOODE of Bangor  
BENNETT of Kennebunk  
BROOKS of Winterport  
JACKSON of Oxford  
KNIGHT of Livermore Falls  
LIBBY of Lewiston  
MAREAN of Hollis  
STANLEY of Medway  
TIPPING-SPITZ of Orono

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

Signed:

Representative:

MOONEN of Portland

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (S-135) **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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**ENACTORS**

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

**Emergency Measure**

An Act To Update and Simplify Maine Gasoline Requirements  
S.P. 478 L.D. 1359  
(C "A" S-107)

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

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**Emergency Resolve**

Resolve, Directing the Commissioner of Agriculture, Conservation and Forestry To Conduct an Internal Review of the Snowmobile Trail Fund

S.P. 195 L.D. 505  
(C "A" S-102)

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

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**Emergency Resolve**

Resolve, To Create a Task Force on Maine's Ethics and Transparency Laws

S.P. 420 L.D. 1222  
(C "A" S-97)

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

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**Acts**

An Act To Grant the Commissioner of Health and Human Services and the Commissioner's Designees the Independent Authority To Issue Adjudicatory Subpoenas

S.P. 223 L.D. 633

An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances  
H.P. 735 L.D. 1044  
(C "A" H-205)

An Act To Update and Revise the Laws Governing the Maine Arts Commission

S.P. 382 L.D. 1100  
(C "A" S-98)

An Act To Amend the Laws Governing Certain Human Services Licensing and Certification Requirements

S.P. 511 L.D. 1417  
(C "A" S-104)

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

An Act To Protect Vulnerable Adults from Exploitation  
H.P. 346 L.D. 527  
(C "A" H-189)

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

**Resolve**

Resolve, Directing the Public Utilities Commission To Develop a Plan To Reform Regulation of Consumer-owned Water Utilities  
S.P. 173 L.D. 441  
(C "A" S-94)

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

Senate at Ease.

Senate called to order by the President.

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

Off Record Remarks

**ORDERS OF THE DAY**

**Unfinished Business**

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

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

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Provide a Pesticide Spraying Notification Process

S.P. 493 L.D. 1391

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-101)** (5 members)

Tabled - May 21, 2013, by Senator **JACKSON** of Aroostook

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

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

On motion by Senator **JACKSON** of Aroostook, the Majority **OUGHT NOT TO** Report **ACCEPTED**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Direct the Department of Economic and Community Development To Adopt Certain Eligibility Requirements Regarding Community Development Block Grants  
S.P. 560 L.D. 1499

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

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

Tabled - May 23, 2013, by Senator **PATRICK** of Oxford

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

(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 Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to get up and accept the Minority Ought to Pass Report. This actually was a bill that I put in after deadline. The Aroostook County delegation has a weekly call in on Wednesdays that we, as many as possible, sit around the telecom and talk to four or five sites in Aroostook County. One of the days that we did that this issue came up, the change in the DECD in regards to community development block grants. Everyone that was at the meeting was quite concerned about what the change would be to Aroostook County. We heard a bill

last week talking about the effects of the bill on rural communities. This certainly is a bill that I don't think anyone can argue that it's not going to affect rural communities. What this change in the rules in the DECD does is it makes it so that if you're a community of 3,000 people or less you can't apply for CDBG funds any more. One of the arguments that I've heard said that that's true, you can't apply, but you can go to the CAP agency and apply for funds through the CAP agencies. The CAP agencies, I believe, have a five to eight year waiting list and they're not really available to help out in this regard at all. The paper that I just had sent out actually came from the Maine Community Development Association. It's their meeting minutes and their notes from when they were talked to by people at the DECD. If you go through there you will see, like on page 2, it talks about CDBG funds not being able to be used for senior citizen centers and grange halls any more. No historical or cultural use for CDBG funds. It also talks about you have to be a community that's business friendly and get bonus points. That business friendly program might be fine for the state, but with the CDBG funds I don't think being business friendly really should warrant bonus points. I think the merit of the proposal should be why you would get CDBG funds. On page 4 it talks about how service center communities are favored and that 92% of Aroostook County couldn't even apply any more for funding under DECD. I don't believe that's the intent of the federal money coming in. I think that certainly there's a lot more people that apply for grants than there is funding for. That is a problem. I think that if you are a small community you should at least be allowed to apply for these funds. To just say that you only have 2,999 people in your community and you can't even apply for these funds any more. Many times these smaller communities don't have a grant writer. They don't have an economic community development director. They do apply for funds. If they are lucky, and they wrote a great proposal, they might actually get it. Under this change in the rules, they can't even apply. Even if you have the best grant application, if you have a great program that is actually going to help the community, if you are under 3,000 don't even bother. Obviously, I'm from a rural community and most of my towns don't meet the 3,000 standard. I'm certainly advocating for my district. I just don't see the merit in having a program that says that you don't enough people and you can't even apply. I don't think that's what the federal government intended when they give money to Maine for community development. I don't think they have a floor saying you have to have 3,000 people to be a community. If that's the case, then I guess the rural areas of the state are going to have an even harder time for years to come. I think if you were to call any of the people in your district that have these community development associations, even the ones that are over the 3,000 threshold, they have expressed dismay that some of their counterparts aren't going to be able to get this money or even apply for this money any more. I have a real problem with that. Honestly, I come from a small area. If you're in a big city, and I do represent one city, I just don't think that's fair overall to say that you're just too small and we're not going to care about you anymore. That's why the bill was put in. I certainly hope that you support the Minority Report because I think everyone in the state should at least have the opportunity to apply for funds. If the merit isn't there, that's fine, but just saying you can't do it at all seems to be something that is disingenuous. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President. Men and women of the Senate, I'd like to share with you my experience with the Community Development Grant program. My occupation for the last 25 years has been working with communities, primarily smaller communities in Maine, on community development activities. In fact, I've worked extensively with the State Community Development Block Grant program for more than two decades and with the Department of Economic and Community Development on those programs as well. I'm also a member of the LCRED Committee where this bill was heard. What I'd like to do is share with you how the program works, what the concerns are that have been raised by the good Senator from Aroostook, and let you know that there are some real concerns with this bill that could seriously jeopardize the program for the state of Maine. Let me begin by saying that the State of Maine receives these funds from the Department of Housing and Urban Development, a federal program. They go directly to the State of Maine for those communities that are non-entitled communities. The entitled communities are primarily the larger communities in the state like Portland, South Portland, Lewiston, Auburn, Bangor, and etcetera. They are not entitled to any of these State funds because they receive direct entitlement funds, therefore they don't compete in this pool whatsoever for the funding. It's just the smaller communities. You have to meet federal program requirements. That is for many of the programs, well for all of the programs, to benefit 51% have to be low to moderate income folks. If you are doing a community-wide program, 51% of the communities have to be low to moderate income communities. Because, unfortunately, Aroostook County and many of our rural counties have lower incomes, many of those are the communities that receive funding from this program. In fact, historically, over years and years and years, Aroostook County and many of those rural areas have actually received much of the funding because they are eligible for the programs.

What's important to understand on how the program works is the federal government requires the State to go through a planning process annually. There has to be a notice to develop a plan on how to spend the money for the ensuing year. In that planning process, they have to notify communities. They have to notify agencies and parties of interest, including many economic development agencies around the state that assist small communities with these kinds of grant writings. They have to issue a preliminary plan. They hold many public hearings around the state of Maine in various areas to get input from interested parties, communities as well as economic development agencies, on the plan. At those hearings they take the input and then they also accept written comments after that period as well. Those comments are taken very seriously. In fact, most of all the concerns that were raised in this particular bill have all been addressed. They actually went through the process and said that that had a point and they changed the rules.

One of the rules they didn't change was in regards to smaller sized communities for housing programs only because housing programs are more administratively intense. They require a lot more effort and time. The administrative cost for doing them on a small scale eats up most of the money, which isn't useful. They suggested the smaller communities try to work together on multi-community housing programs so that it would reduce the percentage of administrative cost and go for that specific kind of

program. No communities are barred except for the ones that are not eligible because they're already entitlement communities that receive the funds. Those are only the large communities around the state of Maine.

The concern here is that the State of Maine has to stay consistent with requirements from HUD to use the funds. If we begin a process by which the plan is going to be directed to do specific things, based on legislation, we really are beginning to go down a path where we may be in non-compliance at some point with federal requirements because we're not making our legislative rules consistent with the requirements for the use of the funds on an annual basis. Secondly, and particularly now because federal funding is being reduced for many programs including the Community Development Block Grant program, you really need to have the opportunity to be more flexible in the directive towards using those funds, particularly as needs of communities change over time. Legislating how those rules are going to go really defeats the purpose of trying to be more responsive to communities rather than less responsive to communities.

The process exists. It's required by federal law. There are lots of opportunities for participation in this program and for amending the program going forward. In fact, it happened in this particular circumstance as well. It was responsive. Further, I'd like to mention to you that there are a number of agencies around the state who help communities write grants, including the Northern Maine Development Corporation in Aroostook County, including Eastern Maine Development Corporation out of Bangor that takes that whole area of Eastern Maine and Western Maine and some in Aroostook County, Penobscot County, to assist with grants. They are very successful at it. I've seen them do their work. They do their work very well. They participate in the plan process and make comments for smaller communities so that smaller communities aren't disadvantaged going forward in those processes and to make sure that their voice is heard in this process. I would urge you not to vote in favor of the motion. I think it actually will diminish the opportunities for smaller communities and may jeopardize Maine's position in regards to being consistent with the federal rules, which we must be if we are going to continue to receive the funds. I'd urge you not to vote for the motion.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I can't probably say any more than our resident expert who just spoke on the issue otherwise than I also was on the committee that saw this bill. From what I heard and what I have seen from the information sent forth by our good Senator from Aroostook, Senator Jackson, is that within the whole process I actually feel there probably could have been some outside pressures that actually may have entered into the decision making process that formulated the rules that we went by. This resolve prohibits the Department of Economic and Community Development from establishing a minimum population requirement in the eligibility requirements of the housing assistance grant program. I don't think that's necessarily bad. I don't necessarily think it's going to be against what the federal regs are by getting rid of the minimum requirement. I don't think it's going to be contrary to what the good Senator, and sponsor of the bill, had. Looking at when

funds start drying up, you do have other ramifications that happen. I do agree with that. A lot of times it almost seems like that the process is actually narrowing it down. I'm not into really picking winners and losers, especially small rural towns versus the larger urban towns. The good Senator did explain that the cities are exempt and they have different other issues and stuff like that, but I really think that this bill, as it's written, will not create an undue problem with the system. I actually believe that it's going to say to the small that they do have value. There are small communities that could band together for the 3,000 threshold, but in a lot of areas it's probably almost impossible for them to do it just because of the geographical location and sometimes some towns don't necessarily always get along, but they may need the help for the citizens. I'm actually in favor of the Ought to Pass Report. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I concur with my colleague from Oxford County, the good Senator from Androscoggin very eloquently and thoughtfully presented this. I, too, serve on the committee of oversight and it was an issue that I'm usually reticent to rise and speak to because I want to respect the representation from an area that has a concern, but in this case I do want to clarify a couple of things. The information that we received on our desks, while it does give you some understanding of the policy of MCDA, it is not an official policy. It is the notes from their meeting and the discussion that went on. Clearly in this case, as Senator Patrick indicated, there is a tough economic time in regards to available federal funds. I think we have to reflect on that before we change policies that were put in place with a valid reason. I think in this case the opportunity for smaller towns to work collaboratively reflects on the importance of using and stewarding these funds well. By no means should this be signaled as a disrespect or lessening in value of any rural or smaller community in our state, but it is an incentive to make sure that the sustained operation of the type of homes that would be paid for are done in a way that will reflect the use of those funds. I, too, would respectfully urge my colleagues to follow my light in not accepting this and voting red on the Minority Report and allowing us to perhaps move onto the Majority Report. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, quickly. This is an issue that I really am not sure that I'm going to be on the prevailing side. That's fine. I don't know how you could be any more responsive to a community than to say that if they're under 3,000 don't apply. This doesn't go against federal guidelines. This puts it back to the way it was. Actually DECD said they could do this next year, but they made the change this year and they are standing with it. I didn't misrepresent. I said that this was the notes from the Maine Community Development Association. I didn't say this was their opinion or anything. It's their notes. Page 4 clearly says MCDA was again reminded that larger towns equal larger impacts, which is what the Administration wants to see. I just can't, in good conscience, sit here and say that this is good for

rural Maine. It isn't. They can't apply. To get 3,000 people in the community that I live in, I don't even know how far I'd have to go to find someone else with 2,800 because we only have 200 in Allagash. At least the way it was before we could at least apply and the chips fell where they fell. Maybe they weren't good applications, but at least we felt like we had some skin in the game. Now it's basically just don't bother applying here, you're not wanted. I just categorically think that's not the way this program was designed by the federal government. I certainly respect anyone that has big communities and want to vote the other way. I just don't think that's right. Thank you very much.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I just wanted to bring up one more statistic with in the report. The 3,000 population threshold eliminates 443 communities out of the 610 from applying for housing assistance. To me, that's devastating for the smaller communities to be eliminated and not have the opportunity. I agree with my colleague from Aroostook County. I may be on the Minority side of this vote, but I'm standing with the little communities. Thank you.

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

Senator **SHERMAN:** Thank you Mr. President. I'd like to stand with my good friend from the Allagash for a number of reasons. We had a study some time ago to talk about the rim counties and how they are losing population. I think there are six or seven of them that surround the southern area. I'm also on the Citizen Trade Policy Commission. We had an individual who talked about the number of jobs lost in so-called rim counties, Aroostook County being one of them. There were 2,500 jobs over the last 15 or 20 years that have been lost out of the rim counties. Some of those towns used to have 6,000 or 7,000. Aroostook County lost about 20,000 over the last number of years. I think there are still people living there. Some of the housing is not what it should be. I would agree that perhaps it sounds like a rule change in the middle of application for these. I'm going to support this Minority motion.

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

Senator **CLEVELAND:** Thank you Mr. President. I just want to make clear, in case there is any confusion here, that small towns have not been told not to apply for the plethora of programs the Community Development Block Grant program provides. They provide dozens of different programs for all kinds of different projects; water and sewerage projects, a couple of facilities, and all kinds of things. They are only directing this to the housing issue because the housing issue is more complex and requires a lot more administration. In fact, I've seen in the past that agencies like Eastern Maine Development Corporation and others have actually gotten several of the communities together to form a program for housing for multiple communities with one grant. Applying as multiple communities actually gets you additional points on the application process because you are providing benefits for many communities instead of one. It's a process by

which you are trying to use the funding effectively so it goes to the people who need it for the project as opposed to doing lots of little projects where the administrative costs tend to eat up that particular kind of program because of the necessity to document who did the renovations, the building code that are required, and so forth. I think we need to be clear that it's not a ban on all communities at all. In this particular instance we're only talking about housing and they are only doing it for, I think, a practical reasonable way to use the funds more effectively towards housing. It is a means by which those communities can participate through those larger grant writing organizations if they have an interest in the housing program.

**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 in support of my colleague from Aroostook, Senator Jackson. As a Senator who has numerous towns, I have some larger towns as well as some smaller towns. I think it's important to note what has been spoken about here today. This is talking about reverting it back to what it was. This is talking about really making sure that those small towns have a voice. The small towns often have the greatest challenges. I know in my district they need these funds. They need to have an even playing field. They need to have a shot. There are, I'm sure, credible arguments at time, but here, in a situation where we have so many towns across the state, and so many towns that are the smallest towns, that really need the benefits from these programs, we should all take that under consideration and we should stand with the Senator from Aroostook. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick 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 (#113)

**YEAS:** Senators: BOYLE, BURNS, CAIN, COLLINS, CRAVEN, FLOOD, GERZOFISKY, GOODALL, HASKELL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, SHERMAN, TUTTLE, VALENTINO, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: CLEVELAND, CUSHING, DUTREMBLE, GRATWICK, HAMPER, HILL, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, 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 Minority **OUGHT TO PASS** Report, **PREVAILED.**

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

Ordered sent down forthwith for concurrence.

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

An Act To Strengthen Maine's Hospitals, Increase Access to Health Care and Provide for a New Spirits Contract  
S.P. 589, L.D. 1546

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

Pending - **CONSIDERATION**

(In Senate, May 23, 2013, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, May 28, 2013, Veto Communication (S.C. 398) **READ** and **ORDERED PLACED ON FILE**.)

**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 speak briefly. We have had much debate on this issue. We have had much debate on amendments. What we are really talking about today is whether or not, on behalf of the people of the state of Maine, we want to make sure that we take an action that is good government, efficient government, that pays back the hospitals through the renegotiation and the putting out to bid the liquor contract that will reap millions and millions of dollars for the State and pay back the hospitals; to create a mechanism to fund roads and bridges, water and sewer, and help rebuild our Budget Stabilization Fund; and, most importantly, one thing that we've heard so much debate on, we want to provide healthcare for 70,000 Mainers. Do we want to put the process in place, a process that will allow those 70,000 Mainers to build a relationship with their doctor, a primary care doctor, so they can avoid the emergency room, a privilege that all of us have? That's what this vote is about. It's about all those parts. It's about paying back the hospitals. Make no mistake about it, if we vote today and do not override this veto, you're voting against paying back the hospitals. You're voting against providing healthcare to 70,000 Mainers. In addition to that, it should also be known our resolve, if we are not successful here today in overriding this, will not be slowed down in any fashion. We will continue to fight to make sure that we have opportunities to provide greater access to healthcare for those 70,000 and that we repay our hospitals. The question I ask is why wouldn't we do that in one full swoop? Why wouldn't we do that right now? I hope we all reflect on that when we cast this vote. That's the question we should be asking ourselves. 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, certainly we've debated this bill a number of times at this point. Back when this discussion started, back in January, the discussion was around making sure that the State of Maine received its biggest return on its asset. That was debated for quite a bit of time and I think everybody in this Chamber came to a conclusion as to what that process was going to be, to make sure that we do maximize that asset. That's a good thing. Then the discussion surrounded payment of the hospitals. We all came to a conclusion that, indeed, this should be a bond issue and we should use that bond money to pay Maine's hospitals and use the revenue stream from the liquor contracts to pay that debt service. Everybody in this Chamber agrees to that. Senate Republicans are committed to paying Maine's hospitals. I believe before we adjourn here that there will be another opportunity to do exactly that. If that does not happen that would be extremely unfortunate. Ladies and gentlemen, there are two separate issues here. One is making sure that we pay our bills. The other is a debate about Medicaid expansion. Senate Republicans stand ready to debate each issue on its merits. As we've said before, as with Medicaid expansion, timing is everything in life, whether you are in business and you make investments or in your private life. Timing is crucial. The timing on Medicaid expansion has not come. Senate Republicans believe that that Administration needs an opportunity to do some negotiating. We have laid that out in previous debates and we still feel that it is true. We look forward to having that debate on its merits in a separate bill, not linked to payment of Maine's hospitals. Thank you.

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

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#114)

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, and 20 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

The Secretary opened the vote.

**ROLL CALL (#115)**

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

HOUSE REPORT - from the Committee on **MARINE RESOURCES** on Bill "An Act To Provide for and Recognize the Right of the Houlton Band of Maliseet Indians To Fish for Marine Organisms"

H.P. 666 L.D. 953

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-225)**

Tabled - May 28, 2013, by Senator **JOHNSON** of Lincoln

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

(In House, May 23, 2013, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225)**.)

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

Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-225) **READ** and **ADOPTED**, in concurrence.

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

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 Report **ACCEPTED**.

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

Ordered sent down forthwith for concurrence.

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

SENATE REPORT - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, pursuant to Joint Rule 204, on Bill "An Act To Provide Clarity to Priority Chemical Reporting Requirements"

S.P. 153 L.D. 373

Report - **Ought to Pass**

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

Pending - **ACCEPTANCE OF REPORT**

(In Senate, May 28, 2013, Report **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 Chair laid before the Senate the following Tabled and Later Assigned (5/28/13) matter:

SENATE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, To Allow the Use of Live Bait When Ice Fishing in Certain Waters of the State  
S.P. 59 L.D. 170

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass** (1 member)

Tabled - May 28, 2013, by Senator **DUTREMBLE** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

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

Senator **DUTREMBLE** of York 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 PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to speak against the pending motion. This is another bill that I sponsored. When I first got elected, I laugh about this, I laugh about it with the former Chairs of IF&W, I had a lot of what I thought were great ideas about Inland Fisheries & Wildlife bill that I put in. Looking back on it

now, some of them probably weren't as great as I thought originally. I guess I've kind of come around to how the department runs some of their programs and how the science has to be behind it, how it has to be biologically sound. I actually had the privilege of chairing the committee in the House in the 123<sup>rd</sup> and come to understand that mentality even more. What I also understood right from day one being elected here is that there is opposing forces in that committee that seems to have people that, I don't know how to say it without offending anyone, they have the mentality about fishing that you should only probably fly fish. It seems to run against the people that I know more, or even myself. I like to fish. I like to eat fish. I like to take my kids to catch fish. I can use flies. I can use worms or lures. Whatever the fish are actually biting, I'm willing to use because I actually just enjoy fishing. Unfortunately, in the area I am, I know it's not a big change, the ice stays in the lakes a little longer than a lot of the other parts of the state. Ice fishing thing in my area. There's not a lot to do. We get a lot of snow. I think one of the ways people pass the time and not go stir crazy is by going ice fishing. I'm sure if they had their way they would rather open water fish, but unfortunately the ice gets pretty thick in Aroostook County. Ice fishing is a big thing. Ever since I've been here, in this Body and on that committee, there has been a movement to stop ice fishing as far as the use of live bait. I'm sure people can argue both ways on the issue, but most people that ice fish will tell you that using live bait is better than using bait that isn't alive. You get that action that fish seem to want and go after. Most of the lakes in my area have allowed ice fishing for ever. They've allowed use of live bait for most of that time too. There hasn't been a problem. This movement to stop ice fishing, because I think a lot of people would tell you honestly they think that that's not the type of fishing that you ought to be doing and you ought to be fishing open water with a fly rod and if you catch something you should put it back, is in opposition to ice fishing. I've seen it numerous times in that committee. Bans to stop ice fishing. Bans to stop live bait. This is just another in the long line of trying to stop this issue. This time though it went through the Advisory Counsel.

Originally it had the Fish River Lake chain. It had a number of lakes on the Allagash Waterway. Because there was a lot of pressure from people that said don't do that to those lakes, even though originally they were included in the proposal, they dropped those lakes that had more people that were fishing in those areas, which would have caused more opposition to the entire proposal, and left nine lakes on the proposal to stop the use of live bait. I don't agree with that. Most of those lakes are in my area. What I don't agree with is the fact that the biologist didn't say that they should stop live bait in those areas. What I even further disagree with is the fact that there is a minimum amount of people that use those lakes, so thereby there is not as much opposition. Let's go after these nine lakes and maybe later on go back and get the ones there is more opposition to, which I clearly think is what happened here. At the committee I provided the report of the biologist and in it, like in the first paragraph, it said, "This added regulation is not necessary on nine of these ten waters. If the objective here is to protect wild brook trout, then the proposals have to be biologically sound and, except for Wheelock Lake, these proposals are not sound."

In the end, I don't understand what we're paying for a biologist for if in the end we're not going to use their recommendations. The biologist clearly said that these lakes shouldn't be stopped from the use of live bait except for one,

Wheelock. Wheelock is right down the road from me. Knowing that was said in this report, it was tremendously hard for me to bring the report to the committee, but that is the honest truth. That's what the biologist is saying. I brought the report before the committee knowing that the lake that's closest to me, the one that I know better than most, is going to be one of the ones that probably will be taking off the live bait list. If you're going to go under the idea that there has to be science behind what the department does, than here is the science. Here's the biologist and they are saying that it doesn't make sense except for one lake. It's one of these things again. I just see this as another drive. We'll get these nine lakes and there will be another drive to get some more lakes. It just goes on and on. Overall theory is to stop ice fishing. I don't agree with that. I think that the resources in the state of Maine are for everyone. As long as you're doing the hunting and fishing legally, you should be able to do it in a number of different ways. Because you don't like to fly fish doesn't mean that you shouldn't be able to fish. Same way with the ice fishermen. It shouldn't be just used for ice fishing. The resources are big enough for us all to use them without getting in each other's way. That's why I put the bill in and that's why I'll be voting against the Majority Ought Not to Pass Report.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of the good Senator from Aroostook County, Senator Jackson. We have much in common on this issue, probably on many other issues considering the constituencies that we have. I agree with what he just said. I'll say it a little bit quicker though. The committee dealt with this issue and I think we will find, in a bill that will be coming before us, that many of the issues that were talked about have been taken care of here in an omnibus bill that is going to be presented. As the good Senator Jackson stated, there are many who would eradicate basically ice fishing in the state. I'm an ice fisherman. Most of the people in my community are ice fishermen. We don't want to see that happen. There are many more anglers in this state than just the trout fishermen. I'm an avid trout fisherman myself. We have a lot of different opportunities for fishing and hunting in this state, especially fishing. I think this bill was a good effort to reevaluate what was being given to us by the department, especially these nine lakes in question, as Senator Jackson stated, that was completely contrary to what was being recommended to us by the biologist. Though a lot of discussion, we finally, I think, worked most of those issues out in another bill that will be coming. As a matter of principle, I'm voting in support of the Minority Report on this. Thank you very much.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Dutremble 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 (#116)**

YEAS: Senators: CLEVELAND, GOODALL, HASKELL, JOHNSON, LACHOWICZ, SAVIELLO, TUTTLE

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

7 Senators having voted in the affirmative and 28 Senators having voted in the negative, the motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

On motion by Senator **BURNS** of Washington, the Minority **OUGHT TO PASS ACCEPTED**.

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

Ordered sent down forthwith for concurrence.

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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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Crossbow Hunting during Muzzle-loading Season"  
S.P. 97 L.D. 264

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass** (3 members)

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

Pending - motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

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

Senator **SAVIELLO:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to this report. This was my bill. I put it in for some young hunters in Rangeley. Those hunters, one of them, actually has gotten the Grand Slam as a 12 year old. They hunt with crossbows. They hunt with crossbows in Ohio. They hunt with crossbows in the state of Maine. They asked me to put this bill in. I decided I would do so,

but I told them we would be fighting an uphill battle, obviously. What I told them we'd try to do is focus in on a particular part of the season, which was the muzzle loading season, where they would have the opportunity to go and be able to use their crossbows. It was interesting, when I talked to the department and asked them questions about it, apparently someone actually shot a deer with a crossbow during muzzle loading season thinking it was legal. He called the department up and they had to dig through the rules to find out, in fact, you couldn't use a crossbow then. In the spirit of my young hunters, I will vote against this bill and I ask you and encourage you to do the same and send a message to Rangeley that you support those young boys. Thank you very much, Mr. President.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I would agree with my good friend, the Senator from Franklin, Senator Saviello. I received a call from many of my constituents who are bow hunters. I think that it earns revenue for the state. I don't care how you catch your deer, whether you get it by crossbow, whether you get it by muzzle loader, whether you get it by regular archery, or whether you get it by regular rifle. I think it's a way we can generate revenue for the state by increasing the type of licenses available. I would agree, it's something many states do to increase revenue. I think it makes an awful lot of sense for the people of Maine to do the same. You know, we've done some things in this state in the area of fish and wildlife that really haven't benefited it. At one time Maine was the number one deer hunting location in the nation. Based upon a lot of recommendations and things over the years, we are no longer there. We're really going behind the times. It's not only affecting the hunters but it's affecting the habitat. I think this bill is a step in the right in the right direction. I would encourage you to support it.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Dutremble 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 (#117)**

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

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

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

The Minority **OUGHT TO PASS** Report **ACCEPTED**.

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

Ordered sent down forthwith for concurrence.

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

SENATE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow a Person Who Is 60 Years of Age or Older To Use a Crossbow during the Open Seasons on Wild Birds and Animals"  
S.P. 136 L.D. 356

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass** (3 members)

Tabled - May 28, 2013, by Senator **DUTREMBLE** of York

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

(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 (#118)**

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

NAYS: Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, JACKSON, KATZ, LANGLEY, MASON, MAZUREK, 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 **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS ACCEPTED**.

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

Ordered sent down forthwith for concurrence.

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

An Act To Amend the Site Location of Development Laws  
S.P. 244 L.D. 695  
(C "A" S-91)

Tabled - May 28, 2013, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-91)**.)

(In House, May 23, 2013, **PASSED TO BE ENACTED**.)

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 (#119)**

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

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

An Act To Allow Certain Military Personnel To Administer Oaths and Perform the Duties of a Notary Public  
H.P. 1089 L.D. 1516

Tabled - May 28, 2013, by Senator **KATZ** of Kennebec

The Secretary opened the vote.

Pending - **ENACTMENT**, in concurrence

**ROLL CALL (#121)**

(In Senate, May 21, 2013, **PASSED TO BE ENGROSSED**, in concurrence.)

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

(In House, May 23, 2013, **PASSED TO BE ENACTED**.)

NAYS: Senators: None

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.

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

The Doorkeepers secured the Chamber.

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

The Secretary opened the vote.

**ROLL CALL (#120)**

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

\_\_\_\_\_  
On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Thursday, May 30, 2013, at 10:00 in the morning.

NAYS: Senators: None

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

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

Resolve, To Ensure Landfill Capacity and Promote Recycling  
H.P. 971 L.D. 1363  
(C "A" H-182)

Tabled - May 28, 2013, by Senator **KATZ** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 21, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182)**, in concurrence.)

(In House, May 23, 2013, **FINALLY PASSED**.)

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.