

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

In Senate Chamber
Tuesday
June 18, 2013

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

Prayer by Senator James M. Hamper of Oxford County.

SENATOR HAMPER: Let us pray. Heavenly Father, we take this time to stop and thank You for the many blessings on our nation and on this state. We enjoy the blessings of freedom not known anywhere but here and we thank You. As this day progresses here in the State House we ask that You help us to be ever mindful and tolerant of each other, respectful of the various viewpoints, and mostly we ask that You help us to not take any of these proceedings personal. We are thankful for the blessings of liberty and acknowledge with grateful hearts Your goodness and we implore Your aide and direction. We ask this in Your son's name. Amen.

Pledge of Allegiance led by Senator Thomas B. Saviello of Franklin County.

Reading of the Journal of Monday, June 17, 2013.

Doctor of the day, Representative Ann Dorney, MD of Norridgewock.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)
H.P. 1110 L.D. 1543

In House, June 13, 2013, **FAILED FINAL PASSAGE.**

In Senate, June 14, 2013, **FINALLY PASSED, in NON-CONCURRENCE.**

Comes from the House, that Body **RECEDED** from whereby the Resolve **FAILED FINAL PASSAGE.** House Amendment "A" (H-538) **READ** and **ADOPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-538), in NON-CONCURRENCE.**

On motion by Senator **GOODALL** of Sagadahoc, the Senate **RECEDED** and **CONCURRED.**

Joint Order

The following Joint Order:

H.P. 1132

ORDERED, the Senate concurring, that, notwithstanding Joint Rule 353, the Blue Ribbon Commission To Study the State Board of Corrections and the Unified County Corrections System, referred to in this order as "the commission," is established as follows.

1. Membership. The commission consists of the following members:

A. Three county commissioners, one of whom is appointed by the President of the Senate and 2 of whom are appointed by the Speaker of the House of Representatives from a list of 5 county commissioners submitted by the Maine County Commissioners Association;

B. Three county administrators, 2 of whom are appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives from a list of 5 county administrators submitted by the Maine Association of County Administrators and Managers;

C. Two jail administrators, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives from a list of 4 jail administrators submitted by the Maine Jail Administrators Association;

D. Two sheriffs, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives from a list of 4 sheriffs submitted by the Maine Sheriffs Association; and

E. A member of the public, appointed jointly by the President of the Senate and the Speaker of the House of Representatives.

The President of the Senate and the Speaker of the House of Representatives shall invite the Commissioner of Corrections, or the commissioner's designee, and the chair of the State Board of Corrections to participate as members.

2. Chair. The public member appointed pursuant to subsection 1, paragraph F serves as chair of the commission.

3. Appointments; convening. All appointments must be made no later than 30 days following the passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. When the appointment of all members has been completed, the chair shall call and convene the first meeting of the commission. If 30 days or more after passage of this order a majority of but not all appointments have been made, the chair may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

4. Duties. The commission shall:

A. Review the current structure of the county jail corrections system, including but not limited to its source of revenues, the predictability of costs and revenues and strengths and weaknesses of the current system, in order to determine methods for long-term sustainability of funding, best practices and necessary processes;

B. Review and propose revisions, if necessary, to the mission and authority of the State Board of Corrections; and

C. Clarify the structure and authority of the unified system of corrections and the State Board of Corrections and develop recommendations to strengthen centralization of the system and control and coordination of operations.

5. Staff assistance. The Legislative Council may seek the provision of staffing services from a nonlegislative entity, including the Maine County Commissioners Association. The Legislative Council may not incur any costs for staffing services provided pursuant to this subsection.

6. Outside funding. The commission shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the passage of this order, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

7. Report. No later than December 4, 2013, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Criminal Justice and Public Safety.

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

READ.

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

COMMUNICATIONS

The Following Communication: S.P. 606

**Town of Hermon
Resolution**

Whereas, Governor LePage has required the Department of Health and Human Services to request a waiver from the United States Department of Agriculture to allow Maine to prohibit the use of federal Supplemental Nutrition Assistance Program benefits for the purchase of certain food items; and

Whereas, it is the opinion of the members of the Town Council that SNAP benefits should only be used to purchase foods that are healthy and nutritional and the purchase of any other foods should not be permitted;

Be it resolved by the Hermon Town Council in town council assembled that the 126 Maine Legislature during the first regular session adopt Legislative Document 1411 to require the Department of Health and Human Services to request a waiver to prohibit the use of food supplement benefits for the purchase of taxable food items and that the Governor of the State of Maine sign the bill upon approval of the Legislature.

Be it further resolved that copies of this resolution be forwarded to Governor Paul LePage, Representative Roger Reed and Senator Geoff Gratwick by the Town Clerk for the Town of Hermon.

SIGNED this June 6, 2013 by the Hermon Town Council:

S/Anthony Reynolds
S/Timothy McCluskey
S/Anne Freeman
S/Donald Pelletier
S/Douglas Sinclair, Sr.
S/William Scott

Attest Original: S/Ruth A. Nickerson

READ and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

The Following Communication: S.C. 485

**STATE OF MAINE
SUPREME JUDICIAL COURT**

June 13, 2013

The Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

The Honorable Mark W. Eves
Speaker of the House of Representatives
2 State House Station
Augusta, Maine 04333-0002

Re: 2013 Arrangement of the Maine Constitution

Dear Senate President Alfond and Speaker of the House Eves:

It is my honor to present the 2013 arrangement of the Maine Constitution.

Pursuant to the requirements of Article X, section 6 of the Maine Constitution, it is the responsibility of the Chief Justice of the Supreme Judicial Court to "arrange the Constitution, as amended, under appropriate titles and in proper articles, parts and sections, omitting all sections, clauses and words not in force and making no other changes in the provisions or language thereof." Section 6 requires the Chief Justice to submit the arrangement to the Legislature "in 1973 and every 10 years thereafter."

Along with the arranged Constitution, I have developed and enclosed an addendum summarizing the recent history of changes to the Constitution and the one minor change that has been made in this decade's arrangement.

Upon receipt by the Legislature of the arrangement, the Constitution requires that "the draft and arrangement, when approved by the Legislature, shall be enrolled on parchment and deposited in the office of the Secretary of State; and printed copies thereof shall be prefixed to the books containing the Revised Statutes of the State."

As always, "the Constitution, with the amendments made thereto, in accordance with the provisions thereof, shall be the supreme law of the State."

I have enclosed both the written version and an electronic version of the 2013 arrangement. It has been my honor to provide this arrangement.

All the best,

S/Leigh I. Saufley
Chief Justice

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

The Following Communication: H.C. 209

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

June 17, 2013

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

Dear Secretary Grant:

House Paper 429, Legislative Document 610, Resolve, To Review and Amend the Rules Regarding Hospital Charity Care Guidelines, 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?"

83 voted in favor and 58 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 374, Legislative Document 555, Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Working Group To Consider Reforms of the Practices of the Nursing Home Administrators Licensing Board, 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?"

82 voted in favor and 60 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.

ORDERS

Joint Resolution

On motion by Senator **CRAVEN** of Androscoggin (Cosponsored by Representative **HOBBS** of Saco and Senators: President **ALFOND** of Cumberland, **BOYLE** of Cumberland, **BURNS** of Washington, **CAIN** of Penobscot, **CLEVELAND** of Androscoggin, **COLLINS** of York, **CUSHING** of Penobscot, **DUTREMBLE** of York, **FLOOD** of Kennebec, **GERZOFKY** of Cumberland, **GOODALL** of Sagadahoc, **GRATWICK** of Penobscot, **HAMPER** of Oxford, **HASKELL** of Cumberland, **HILL** of York, **JACKSON** of Aroostook, **JOHNSON** of Lincoln, **KATZ** of Kennebec, **LACHOWICZ** of Kennebec, **LANGLEY** of Hancock, **MASON** of Androscoggin, **MAZUREK** of Knox, **MILLETT** of Cumberland, **PATRICK** of Oxford, **PLUMMER** of Cumberland, **SAVIELLO** of Franklin, **SHERMAN** of Aroostook, **THIBODEAU** of Waldo, **THOMAS** of Somerset, **TUTTLE** of York, **VALENTINO** of York, **WHITTEMORE** of Somerset, **WOODBURY** of Cumberland, **YOUNGBLOOD** of Penobscot, Representatives: **AYOTTE** of Caswell, **BEAR** of the Houlton Band of Maliseet Indians, **BEAUDOIN** of Biddeford, **BEAULIEU** of Auburn, **BEAVERS** of South Berwick, **BECK** of Waterville, **BENNETT** of Kennebunk, **BERRY** of Bowdoinham, **BLACK** of Wilton, **BOLAND** of Sanford, **BOLDUC** of Auburn, **BRIGGS** of Mexico, **BROOKS** of Winterport, **CAMPBELL** of Newfield, **CAMPBELL** of Orrington, **CAREY** of Lewiston, **CASAVANT** of Biddeford, **CASSIDY** of Lubec,

CHAPMAN of Brooksville, CHASE of Wells, CHENETTE of Saco, CHIPMAN of Portland, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAY of Palmyra, CROCKETT of Bethel, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DICKERSON of Rockland, DILL of Old Town, DION of Portland, DOAK of Columbia Falls, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HUBBELL of Bar Harbor, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFIELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, KUSIAK of Fairfield, LAJOIE of Lewiston, LIBBY of Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McELWEE of Caribou, McGOWAN of York, McLEAN of Gorham, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Fort Kent, NADEAU of Winslow, NELSON of Falmouth, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, PEAVEY HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of Augusta, POWERS of Naples, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus), the following Joint Resolution:

S.P. 605

**JOINT RESOLUTION
OF GREETING TO THE DAIL EIREANN, THE PARLIAMENT
OF THE REPUBLIC OF IRELAND, AND IN RECOGNITION OF
THE IRISH CONTRIBUTION TO THE STATE OF MAINE AND
TO THE UNITED STATES**

WHEREAS, Ireland has a long history of democratic practices, going back to its first elected Parliament in the 1200s; and

WHEREAS, the Dail Eireann is the democratically elected body representing the people of the Republic of Ireland; and

WHEREAS, millions of Irish people emigrated from Ireland in the 1800s to escape brutal poverty and starvation due to the Irish potato famine, and most of those people came to America to start new lives and to embrace and contribute to a new land; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and many came to Maine, and the Irish have been and remain an important part of Maine's culture, history and society; and

WHEREAS, within a few years of their arrival in the United States and in Maine, these Irish immigrants became part of the American cultural landscape while preserving the best of their native culture, and they dedicated themselves to helping build this State and Nation; and

WHEREAS, 4 signers of the Declaration of Independence were Irish-born and 9 signers were of Irish ancestry and 19 Presidents of the United States have proudly claimed Irish heritage, including George Washington, the father of our country; John Fitzgerald Kennedy; Ronald Reagan; and Barack H. Obama; and

WHEREAS, the 44,000,000 Americans of Irish ancestry, like their forebears, continue to enrich all aspects of life in the United States, in science, education, art, agriculture, business, industry, literature, music, athletics, entertainment, and military and government service; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to send greetings to the Parliament of the Republic of Ireland, recognizing the valuable contribution to our State and to our Nation of all Irish-American citizens; and be it further

RESOLVED: That We join the citizens of the State of Maine in celebrating the integrity and richness of the Irish culture and in expressing our appreciation to the Republic of Ireland for our close state and national ties; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Dail Eireann, the Parliament of the Republic of Ireland, with our best wishes.

READ.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I do want to thank all of you for signing on to this Joint Resolution. I'm very excited about it. I'm going on my vacation to Ireland on June 30th and visiting the Irish Parliament on July 2nd. I'm going to read the Joint Resolution in both their Senate and their House and leave the Joint Resolution there for your names to go down in infamy in the Irish doffs. Thank you very much.

On motion by Senator **CRAVEN** of Androscoggin, **ADOPTED**.

Sent down for concurrence.

SHORT of Pittsfield
WOOD of Sabattus

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-534)**.

Signed:

Senator:
BURNS of Washington

Representatives:
CRAFTS of Lisbon
DAVIS of Sangerville
ESPLING of New Gloucester

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533)**.

Reports **READ**.

Senator **DUTREMBLE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533)** 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 York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, jobs. This bill is about jobs. Snowmobiling has peaked in Maine and it's on its way down. The Snowmobile Trail Fund is only paying 60% of the cost for grooming the trails. Snowmobile clubs are made up of 100% volunteers. We just cannot make up the difference of cost between expenses and reimbursements. Many volunteers are spending 12 hours a night out grooming. Rural Maine, we need jobs in rural Maine. Snowmobiling provides jobs in rural Maine. Snowmobiling is a \$400 million economic engine, mostly for our rural areas; \$400 million, folks. I have received dozens of e-mails from snowmobile clubs asking for this. Greenville lost its grooming contractor. Why? Because the Trail Fund could not cover expenses. Ragged Riders, north of Greenville, is gone. That's right. They packed it in. One of the best trail systems in the state is now gone. The snowmobile industry is on its way down. At the same time, New Hampshire is investing in its trails. I just read an article about how they celebrated a new 1,000 mile contiguous trail system in northern New Hampshire. Maine has the best trails in the east. Let's keep it that way and let's keep the jobs from this industry here in Maine. I would ask you to vote with me on this motion and press your green light. Thank you.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015" (EMERGENCY)

H.P. 1061 L.D. 1480

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-536)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-536)**.

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

READ ONCE.

Committee Amendment "A" (H-536) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Increase Funding for the Snowmobile Trail Fund and Adjust the Sales Tax Relating to Snowmobiles and Trail-grooming Equipment"

H.P. 902 L.D. 1263

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-533)**.

Signed:

Senators:
DUTREMBLE of York
HASKELL of Cumberland

Representatives:
SHAW of Standish
BRIGGS of Mexico
EVANGELOS of Friendship
KUSIAK of Fairfield
MARKS of Pittston

Senator **SAVIELLO**: Thank you Mr. President. Ladies and gentlemen of the Senate, unfortunately I can't vote for this bill. When I was a member of the Fish and Wildlife Committee they were offered opportunities to increase the fees on residents in relation to snowmobiling. I continually warned that when you put that extra money there and it's not spent appropriately someone has to take it away and use it. Soon after that the representative for the Maine Snowmobile Association came to me and told me I was right and that he would not support any increases in the future. Before we pass a bill that increases any fees on residents we need to let the department complete the Resolve that was passed this year that would ask them to look at their finances and explain to us why it cost \$1,000 to maintain a trail with State snowmobile money where the club spends about \$500. Before we pass any fees onto our local people we need to study that more effectively and then maybe next year I may well support a bill like this. Thank you very much, Mr. President.

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

Senator **THOMAS**: Thank you Mr. President. Ladies and gentlemen of the Senate, I couldn't agree more with my friend from Franklin County. Until we get this mess cleaned up that we have, I don't think any more money should be put into that fund. Thank you.

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

Senator **PATRICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, I will be voting in favor of this bill as I had a similar bill put in myself that actually went a little bit further than what this bill did on behalf of ten of the clubs in my Senate district. They all asked me to put the bill in. They believe in it. If we can dedicate the funds to the trail system, grooming system, they said it's going to be a good thing. I urge your support. Thank you.

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

Senator **DUTREMBLE**: Thank you Mr. President. Ladies and gentlemen of the Senate, I would have to agree with my colleagues across the aisle, although I would say the issue still stands, the Fund is only paying 60% of the expenses. There is also another bill that is going to address the problem with the funding issue, which is currently in right now. I would ask for your support on this bill and let's bring our snowmobile trail funds and our trails forward and make this what it once was and continue to make it great. Thank you.

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I'm reminded of the old saying, a penny wise and a pound foolish. I certainly don't like increasing fees in any regard, but what we have here is the simple fact that the clubs are going out of business because they can't afford the cost of dragging trails. The fuel costs. When we start losing these clubs, and there is no one to drag the trails, there are not going to

be people coming here to Maine to skidoo and go to our hotels and restaurants and things like that, which everyone knows in this Chamber is a huge part of the economy in Maine. It's always the same people that are doing the work and they are trying to foot the bill for the lack of funding in these clubs. I think many are at the breaking point now. The good Senator Saviello talked about it in committee. I think a lot of that, or at least part of it, was when fuel costs were significantly less. With that increase in fuel, these clubs just aren't keeping up with it. I've heard from numerous ones that said the same thing. This is going to be it for them. They can't afford to continue to pay money out of their own pockets to keep these trails open. As much as I don't like increasing fees, I see it is as something that is supporting the industry, keeping people coming to Maine for the economy that we sorely depend on. That's why I'll be supporting 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 to Pass as Amended by Committee Amendment "A" (H-533) Report, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#305)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533)** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-533) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Exclude Certain State-funded Costs from the State Share of the Total Cost of Funding Public Education"

H.P. 23 L.D. 25

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-505)**.

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFELD of Bangor
MAKER of Calais
NELSON of Falmouth
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-506)**.

Signed:

Representatives:

JOHNSON of Greenville
McCLELLAN of Raymond
POULIOT of Augusta

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (H-505)** Report.)

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-506)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-506)**.

Reports **READ**.

On motion by Senator **MILLETT** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-506)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "B" (H-506) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Medical Marijuana Law Regarding Excess Harvested Marijuana"

H.P. 1011 L.D. 1423

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-537)**.

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

CASSIDY of Lubec
GATTINE of Westbrook
MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough
STUCKEY of Portland

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

Signed:

Representatives:

FARNSWORTH of Portland
DORNEY of Norridgewock
PRINGLE of Windham

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-537) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

Nine members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission" H.P. 435 L.D. 616

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-527)**.

Signed:

Senator:
YOUNGBLOOD of Penobscot

Representatives:
BEAVERS of South Berwick
DUNPHY of Embden
HARVELL of Farmington
LIBBY of Waterboro
NEWENDYKE of Litchfield
RUSSELL of Portland
RYKERSON of Kittery
TIPPING-SPITZ of Orono

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-528)**.

Signed:

Representatives:
HOBBINS of Saco
GIDEON of Freeport

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass**.

Signed:

Senators:
CLEVELAND of Androscoggin
JACKSON of Aroostook

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527)**.

Reports **READ**.

On motion by Senator **CLEVELAND** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Senate

Ought to Pass Pursuant to Constitution

Senator LACHOWICZ for the **Chief Justice of the Supreme Judicial Court** pursuant to the Constitution of Maine, Article X, Section 6 on Resolve, Approving the 2013 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for Its Publication and Distribution (EMERGENCY) S.P. 607 L.D. 1564

Reported that the same **Ought to Pass**, pursuant to the Constitution of Maine, Article X, Section 6.

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

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

Ordered sent down forthwith for concurrence.

SECOND READERS

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

House As Amended

Bill "An Act To Provide for Economic Development with Offshore Wind Power" H.P. 1053 L.D. 1472 (C "A" H-525)

READ A SECOND TIME.

On motion by Senator **CLEVELAND** of Androscoggin, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate As Amended

Bill "An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use" S.P. 72 L.D. 236 (S "A" S-285 to C "B" S-282)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Increase the Availability of Mental Health Services
H.P. 1087 L.D. 1515
(H "A" H-495 to C "A" H-490)

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

Acts

An Act To Promote Small-scale Poultry Farming
H.P. 179 L.D. 218
(H "A" H-497 to C "A" H-476)

An Act To Provide for the Effective Marketing and Promotion of Maine Lobster
H.P. 336 L.D. 486
(C "A" H-491)

An Act To Clarify Transparency of Medical Provider Profiling Programs Used by Insurance Companies and Other Providers of Health Insurance
H.P. 704 L.D. 1006
(C "A" H-502)

An Act Providing for the Prescribing and Administering of Naloxone
H.P. 737 L.D. 1046
(S "A" S-266 to C "A" H-436)

An Act Regarding the Cancellation of Subscription Services
H.P. 993 L.D. 1390
(C "A" H-498)

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

Ordered sent down forthwith.

An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County
H.P. 25 L.D. 27
(C "A" H-503)

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

An Act To Amend the Maine Workers' Compensation Act of 1992 To Provide Benefits to Seriously Injured Workers
S.P. 175 L.D. 443
(S "A" S-265 to C "A" S-250)

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

An Act To Strengthen the Maine Clean Election Act
S.P. 452 L.D. 1309
(C "A" S-156)

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

An Act To Amend Certain Provisions of the Fish and Wildlife Laws
H.P. 1024 L.D. 1435
(C "A" H-500)

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

Resolve

Resolve, Directing the Department of Health and Human Services To Amend Its Rules of Reimbursement under the MaineCare Program for Audiology and Speech-language Pathology Services
H.P. 832 L.D. 1188
(C "A" H-494)

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/11/13) matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish the High-efficiency Biomass Pellet Boiler Rebate Program and the Home Heating Conversion Fund"

S.P. 542 L.D. 1468

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-253)** (11 members)

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

Tabled - June 11, 2013, by Senator **CLEVELAND** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 11, 2013, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-253) **READ**.

On motion by Senator **JACKSON** of Aroostook, Committee Amendment "A" (S-253) **INDEFINITELY POSTPONED**.

Senator **KATZ** of Kennebec **OBJECTED** to **SUSPENSION OF THE RULES** for the purpose of giving this Bill its **SECOND READING** at this time.

Senate at Ease.

Senate called to order by the President.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

On motion by Senator **GOODALL** of Sagadahoc, **RECESSED** until 1:00 in the afternoon.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Expand Turkey Hunting Opportunities for Young Hunters"

H.P. 161 L.D. 200

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-542)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-542) AS AMENDED BY HOUSE AMENDMENT "A" (H-547)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-542) **READ**.

House Amendment "A" (H-547) to Committee Amendment "A" (H-542) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-542) as Amended by House Amendment "A" (H-547) thereto, **ADOPTED**, in concurrence.

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

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

ENACTORS

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

Act

An Act To Encourage Development in the Logging Industry
S.P. 385 L.D. 1103
(C "A" S-249)

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

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

REPORTS OF COMMITTEES

House

Divided Report

Seven members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1109 L.D. 1542

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-507)**.

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
KORNFELD of Bangor
NELSON of Falmouth
RANKIN of Hiram

Five members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-508)**.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond

POULIOT of Augusta

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-509)**.

Signed:

Representative:

HUBBELL of Bar Harbor

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-507) READ and ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-507) AS AMENDED BY HOUSE AMENDMENT "A" (H-546)** thereto.

Reports **READ**.

Senator **MILLETT** of Cumberland moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-507)**, 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 Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise to oppose the current motion on the floor. This Committee Amendment "A" would make changes to the Chapter 180 rules, Performance Evaluation and Professional Growth Systems, and would reduce the factor of student performance that's in this evaluation to 20% with no more than 10% coming from test grades. We had folks that came and testified in front of our committee that were involved in MEPRI and research and talked about modeling. In essence, a 10% factor really equates, essentially, to a zero. We were opposed to that because we didn't think we would get any really good information from that. With that, I will be opposing this. Thank you.

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

Senator **MILLETT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would urge you to support this motion. This bill is the result of many, many months of hard work on the part of the Department of Education, the Maine Educator Effectiveness Council, and the Education Committee. While this bill is certainly not anyone's perfect answer to the challenge that is before us around teacher effectiveness, it is an example of compromise. In regards in testimony from MEPRI, indeed, further testimony was provided that the model that was presented to us was simply a good predictor for standardized tests results, not around teacher effectiveness. We know from numerous studies that standardized tests do not always reflect well teacher effectiveness. Therefore, limiting their impact on evaluations will ensure that scores are more representative of an educator's true

effectiveness. While we all recognize the importance of evaluation and professional growth in every profession, it is important that those being evaluated have the opportunity to contribute to the development of the evaluation. This bill will ensure that educators have a seat at the table during the development of the evaluation and professional growth system. It further authorizes the Maine Educator Effectiveness Council to meet to continue to review Chapter 180 and make any further recommendations for changes to improve the chapter. I urge you to support this measure. Please follow my light.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Millett to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-507), in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#306)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **MILLETT** of Cumberland to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-507)**, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-507) **READ**.

House Amendment "A" (H-546) to Committee Amendment "A" (H-507) **READ**.

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

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

Senator **MILLETT:** Thank you Mr. President. Ladies and gentlemen of the Senate, this amendment moves us even closer to a system that will meet the requirements of the U.S. Department of Education. While I personally have issues with some of the things that we are putting into place, I understand that it's important that Maine moves forward and allows school

districts to put in place policies and procedures to encourage teacher effectiveness. As amended, the bill limits the effect that standardized tests will have on educator evaluations, but it still requires at least 5% of standardized assessments for data for reading and mathematics across all subject matters and an additional 15% for language arts and mathematics. Again, I personally have some issues with what we're doing, but it's been the result of a long conversation and a great deal of work. School boards and administrators are anxious to get this into place so we can start moving ahead in making our school districts stronger. I urge you to support this measure. Thank you.

THE PRESIDENT: The pending question before the Senate is Adoption of House Amendment "A" (H-546) to Committee Amendment "A" (H-507), in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#307)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, House Amendment "A" (H-546) to Committee Amendment "A" (H-507) **ADOPTED**, in concurrence.

Committee Amendment "A" (H-507) as Amended by House Amendment "A" (H-546) thereto, **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Provide Economic Development in Aroostook County through Expanded Sale and Lease of State-owned Land"

S.P. 186 L.D. 493
(C "A" S-86)

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-86)** (10 members)

Report "B" - **Ought Not to Pass** (2 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (S-88)** (1 member)

In Senate, May 16, 2013, on motion by Senator **JACKSON** of Aroostook, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-86) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-86)**.

Comes from the House, Reports **READ**. Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-86) FAILED**. Subsequently, Report "B", **OUGHT NOT TO PASS ACCEPTED**, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **MILLETT** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Maine Online Learning Program"

S.P. 580 L.D. 1533

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-302)**.

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

READ ONCE.

Committee Amendment "A" (S-302) **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.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Fix and Improve the System Used To Evaluate or Rate Public Schools in Maine"

S.P. 585 L.D. 1540

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-306)**.

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

Reports **READ**.

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

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise to oppose the current motion that's on the floor. This legislation would stop any kind of further grading of schools that is currently being undertaken by the Department of Education, convenes a taskforce to develop a new system, have the rules by November, and then have those adopted by January 2014. While I think the intentions are really good, I think really now, since we've started this, the real focus should be on how to help our schools that are coming up a little bit short. I really feel

that that's where the attention needs to be. I would ask you to oppose this. Thank you very much.

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

Senator **MILLETT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I sponsored L.D. 1540 this session when it became clear that the A through F school grading system formulated over the past few months was insufficient, incomplete, and reflected an inaccurate picture of our public schools. As the Chair of the Education Committee, it was clear from the intense statewide reaction following the release of the Chief Executive's grading system that we can, and must, improve upon that system. L.D. 1540 will do just that.

In order to fully understand the legislation before us today it is necessary to contrast it with the system that is currently in place. It is a report card type A through F grading method intended to show how the school is doing and to make sure that schools are accountable for explaining that to their communities. Unfortunately, the system, in its current form, sets up a false and unproductive dialogue among educators and stakeholders. Maine's children deserve the best education, just as Maine deserves an accurate and effective way to evaluate its school's performances. The current grading system was developed and implemented in isolation, with no input from stakeholders, and is based on three categories; student performance in reading and math, growth in student achievement, and the performance and growth of the bottom 25% of students for elementary schools and the graduation rate for high schools. This means that a large proportion of school scores are based on standardized testing. The major weakness in a simplistic three pronged statistical analysis to explain the performance of our schools is that it may not be accurately representative of any school in its entirety. It does not take into account external environmental factors that may influence the resulting scores. Additionally, an A through F bell curve evaluation system cultivates a competitive mindset between our schools. On the other hand, one of collaboration and continuous improvement would be more productive and beneficial for our schools and our students. For this reason, I urge you to support L.D. 1540. The bill will, one, afford stakeholders the opportunity to voice their opinions and provide input regarding the criteria used to analyze our public schools' performance. Two, it will ensure the most effective and thorough evaluation system that accurately determines a school's strengths, weaknesses, opportunities and challenges, and does not create barriers of isolation, but instead a system of support with a strategy for improvement. Lastly, it will encourage continuous improvement, even among our most advanced schools, rather than schools being graded on a curve or being penalized for what they have no control over.

L.D. 1540 recognizes that, if the public school system is to be evaluated, the public have the opportunity to become part of the developmental process. In fact, we propose that representatives from the stakeholder groups, school boards, superintendents, principals, teachers, parents, and students shall be on the taskforce on the development and implementation of the system. By including representatives from each of these groups, the Department of Education will receive broad and diverse perspectives and input regarding the system, resulting in a broader and deeper dialogue and, thus, a more thorough and

publicly agreed upon system with which to evaluate schools' performances.

Next the bill proposes that schools not be evaluated on a three pronged system focused on standardized test schools, but that more statistically reliable and relevant data be taken into consideration. It proposes a system that considers accurate measures of student progress over at least three years, not one snapshot in time; rates of post-secondary attendance and enlistment in the United States Armed Forces over at least three years; interviews with parents and students, school board members, teachers, and other educational leaders about school environment; and includes a peer group comparison that takes into account, but is not limited to, the utilization of special education services, the number of students eligible for free or reduced priced meals, local and county unemployment data, medium household incomes, school attendance, and graduation rates. By incorporating these factors into the equation we ensure that we are looking at the whole picture. We want to know how well Maine schools are preparing our youth for life after the cap and gown. This is valuable information that simply cannot be found in test scores alone. By taking into consideration external factors, such as social economic standing of a school, we are able to mitigate a bias based on fiscal circumstances.

Finally, because we do want to increase accountability among Maine schools, the bill proposes that the system does not use a bell curve. All schools should be able to explain their performance based on comprehensive evaluation results. Inflating, deflating, or otherwise distorting score to fit a bell curve grading style is, in fact, counterproductive when trying to examine with accuracy where schools stand. Similarly, schools should not be penalized for that which they have no control. As a result, L.D. 1540 proposes that a school may not be negatively judged because of the failure of students to take standardized tests. There are incredible consequences stemming from inaccurate perceptions of the value of an education.

It is important that parents and members of the community have a meaningful and comprehensive system to base their decisions on. This legislation's overarching goal is to equip Maine's students with the best education possible and to prepare them for whatever lies ahead. This is a team effort. The dialogue between evaluation and accountability of our schools should be all inclusive, not just among educators and policy makers, but the entire community. It should serve as a catalyst for the improvement we would all like to see. With a comprehensive and statistically diversified evaluation system we will have a more accurate picture of our schools' strengths and opportunities for growth. From there, we can directly improve the future of Maine's youth. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen, I agree that we certainly need to get on with supporting our schools improvement. We've had a number of bills that would do that. I think before we decide where to focus those efforts we need to know what kinds of problems there are. The grading system we have in place now is very flawed, the one that would decide an overall grade to a school. We had a number of articles talking about how that is applying twice over the student performance and, thereby, skewing the numbers. We've seen analysis of how it correlates more to the social and

economic conditions in the community than any other indicator of how hard a school is working and how well it is doing. How many of you have schools in your own district that received D or F grades? I know there are some in mine and I don't believe they are warranted. Worse, I don't believe that those are good indicators of what that school is not doing well. If we're going to help our schools improve than we need to have good indicators of how well the teachers and the administration of that school are doing in designing programs and executing in the classroom the teaching that we need in order to give kids the best education we can. I strongly support having better measures, ones that not only can be used for shame and political purposes, which are truly informative to the community and within the school in particular; what they are doing well, what they are not doing as well as other schools, and, therefore, what they can do better at.

I want to draw your attention to one aspect of the current grading system, that's that it is limited to the scores from standardized tests and attendance. Those scores on standardized tests are only a couple of subjects. Some schools really excel in certain things. In fact, we have schools around the state and there are school in other states that focus on things like the arts or, in particular, math and science, or agriculture and natural sciences. That doesn't mean that that school is doing a poor job of teaching those students to be great learners, to be very effective in learning what they need to deal with life. What it does mean is that a standardized test in two subjects is not the best indication of how well that school is doing in educating children. I think we need a more rounded, a more thoughtful, and, frankly, one that is crafted with the input of multiple stakeholder measure of our schools and what they are doing well and how best they can improve before we start pointing at ones that didn't receive great grades under a flawed system and saying these are the schools that must improve. Thank you.

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

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I spoke to an administrator in one of school districts in my area, in my district. He wasn't satisfied with the grade that his school got, but rather than complain he admitted that there were some areas that they needed to do better and he said, "We will do better next time. Our score will be higher."

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

Senator **PATRICK:** Thank you very much Mr. President. I've got a question to ask through the Chair to anyone who might answer.

THE PRESIDENT: The Senator may pose his question.

Senator **PATRICK:** Thank you Mr. President. I was wondering, did the Commissioner of Education or the Chief Executive create the A through F grading system in secrecy?

THE PRESIDENT: The Senator from Oxford, Senator Patrick poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Millett.

Senator **MILLETT:** Thank you Mr. President. I'm not sure what the definition of secrecy is, but I would say that there were indications given to the Committee on Education and Cultural Affairs that the grading system was being worked on. There were repeated requests to the commissioner to come before the committee and provide information about that grading system. Only after it was rolled out publically was the information than shared with the committee and the citizens of Maine. I hope that answers the question.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#308)

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

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

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

READ ONCE.

Committee Amendment "A" (S-306) **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.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Buy American-made Products"

S.P. 311 L.D. 890

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-303)**.

Signed:

Senators:

PATRICK of Oxford
CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-304)**.

Signed:

Representatives:

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

Reports **READ**.

Senator **PATRICK** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303)** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#309)

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

NAYS: Senators: BURNS, HAMPER, MASON, THIBODEAU

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303)** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-303) **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.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Promote the Northern Maine Economy and Support Maine's Sporting Camp Tradition" S.P. 276 L.D. 738

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-305)**.

Signed:

Senators:

DUTREMBLE of York
BURNS of Washington

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 Not To Pass**.

Signed:

Senator:

HASKELL of Cumberland

Reports **READ**.

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

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

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, it's not one of my favorite things to do, to be an outlier with a committee. I really think that the committee process is best when we can all come to agreement. This is an area that, frankly, I had some fundamental disagreements with the direction that the committee took on this particular bill and I felt that I was obligated to speak on the floor and let you know what it was that was so concerning here about what's proposed. First of all, let me tell you how this works. The number of permits each year changes that can be drawn in the moose lottery. When that number goes up this bill allows 10% of the difference between where we were last year and where are this year to basically be sold, auctioned off. If 3,100 permits were last and 4,100 this year, 1,000 is the difference, and 100 of those permits would be made available to guides who had facilities that had both food and lodging in them for a \$1,500 fee. Those guides could enter a lottery and get one of those moose permits, or two of those moose permits. They are not limited. Then those guides can sell that permit to a person who is legally able to take a moose. That means that guide can put on their website, "I'm having an auction for a moose permit. What's your bid?" Ladies and gentlemen, what we are doing here is bidding, selling off, our natural resources. The proceeds of those auctions go to that guide who has that business. That was the intention of this bill. It's the intention of the bill because these guides are having a hard time. These folks who have invested a lot of money in the facilities that the need in order to be able to provide food and lodging to folks who come. However, this is not the only business that's been impacted, Mr. President and members of the Senate. This is not the only business that's been impacted in the northern part of our state by the downturn in the deer herd and the reduction in the number of people coming there. There are a number of businesses that have been impacted and this bill has chosen one of them and given them the opportunity to sell off our natural resources to the highest bidder. I disagree with that, fundamentally. There is, and I know others will talk about it, a 20 year old provision in our moose lottery law that allows ten permits to be auctioned off. Those are auctioned off by the department. The money goes to the Bryant Pond Conservation Camp to make sure that kids are able to attend that camp. In the last 20 years we've taken no incursion into selling off and auctioning off permits. We've done two things here. First of all, we've decided to sell our natural resources. I think that's wrong. Secondly, those people who have been standing in line, Maine citizens who have been paying their \$6 or \$10 or \$14 or whatever the cost is to get into the lottery, because it changes every year, are waiting in line and we're going to scoop 100 permits, I think this year it would have been 65, off the top. Sixty-five people who've been standing in line in the state of Maine are not going to be able to

get a permit because we're going to auction them off. I think that's wrong and I think we've chosen winners and losers amongst the guides. What about that other group of guides who are working hard, who are looking for moose hunts, who are anxious to have people come, who perhaps have lodgings but not food? We've discriminated against those and we've picked this particular individual group, those who have both food and lodging, and said, "You deserve to get the profits from that auction." I would encourage you to vote against the current motion and not pass this bill. Thank you.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have a question if anyone would care to answer, maybe.

THE PRESIDENT: The Senator may pose his question.

Senator **SHERMAN:** Thank you Mr. President. There's always been a rumor that there are a number of people that enter the auction but they never intended to hunt. It, in some cases, may be true. I wonder if anybody checked to see if people are buying a chance to get the moose permit without intending to use it? If that is the case, it would seem to me one might balance the other.

THE PRESIDENT: The Senator from Aroostook, Senator Sherman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Haskell.

Senator **HASKELL:** Thank you very much Mr. President. I do appreciate that question and I've heard of that happening. However, this does not preclude that nor, frankly, could not an organization who perhaps opposes hunting bid on these, all 65 of them or all 100 of them, and preclude those moose from being taken as well.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#310)

YEAS: Senators: BOYLE, BURNS, CAIN, COLLINS, CUSHING, DUTREMBLE, FLOOD, GOODALL, HAMPER, HILL, JACKSON, KATZ, LANGLEY, MASON, MAZUREK, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, VALENTINO, WHITTEMORE, YOUNGBLOOD

NAYS: Senators: CLEVELAND, CRAVEN, GERZOFKY, GRATWICK, HASKELL, JOHNSON, LACHOWICZ, MILLETT, TUTTLE, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-305) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/13) matter:

HOUSE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Maine Metallic Mineral Mining Act To Protect Water Quality"
H.P. 929 L.D. 1302
(C "B" H-305)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-304)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-305)** (4 members)

Tabled - June 10, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **FURTHER CONSIDERATION**

(In House, June 5, 2013, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304)**.)

(In Senate, June 6, 2013, Reports **READ**. Motion by Senator **BOYLE** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304)** Report **FAILED**. Subsequently, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-305)** Report **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-305)**, in **NON-CONCURRENCE**.)

(In House, June 7, 2013, that Body **INSISTED**.)

Senator **GOODALL** of Sagadahoc moved the Senate **RECEDE** and **CONCUR**.

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

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I feel very strongly that this is the right thing to do. There is a great deal at stake in getting our mining permitting operation and closure right. There are a lot of jobs on the line from trout fishermen to clam diggers. In fact, these kinds of sulfide mine deposits, thermites, and ore deposits that we might be mining in future years exist across the state and there are all kinds of people who would be affected by the operation of those mines if we don't get it right. There are a lot of people who rely on our waterways not being poisoned by sulfuric acid, arsenic, and others. We have a long list of people urging us, and groups, to support the Majority Report. Some of them, I would note, that are particularly interested in using our natural resources include the Maine Clammers Association, the Maine Rivers, the Downeast Salmon Federation, Alewives Harvesters, Trout Unlimited, the Maine Lobsterman's Association, Maine Audubon, and many others. No, this is not just a question of how we mine in the state. It's a question of whether we care enough to insure that the way that we mine is going to protect the very character that our state is known for and the industries and jobs and the economic impact implied by that.

While I don't want to spend a lot more time talking, the most important thing for me about the Majority Report is that the 10 year timeframe in that is not just a matter of what when we expect it to be closed. It's most important because that's the one thing that will affect decisions made about how to design the mine, how to operate the mine, and how it will need to be closed with having a finite timeframe for closure of mines so we aren't leaving future generations with a big bill or making, because it's a very long timeframe, very loose decisions about how we're going to do this and "Oh, sure, we'll find a way to close that in time," and prevent the permanent water treatment requirements. It isn't when you set a goal in front of people and you say, "This is what you have to accomplish," that they step up to find ways to do it. I'm convinced that setting 10 years, which according to the analyst who said, "Maine is proposing 10 years which I can support, but the realization is that this is a generous concession to the industry," I think that it's not unreasonable for us to set such expectations and for the mining industry to step up to finding ways to make that happen. It's been done in other states. We can do it here and we have a lot in this state that relies on that. Thank you.

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

Senator **BOYLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of the Majority Report to say that if becoming a better legislator requires a trial by fire, than this is my bill. I hope to become a better legislator as a result. The committee worked very hard on improving upon the mining bill that was enacted last year. When it came out of there I supported the Majority Report. It was not bi-partisan. It was a partisan report. Two weeks ago, when we took the vote in this Body, I supported the Majority Report and I still do. We've done a

lot more work. The good Senator from Franklin, Senator Saviello, and myself, and the Senator from Penobscot, Senator Gratwick, and myself, and, of course, the Senator from Aroostook, Senator Jackson, I applaud all of the work that they've all done with me in this Body to try to move this forward and come to a compromise.

Many of the things that we agree on will improve the process of obtaining a mining permit. A few of the things are to build on the work from the 125th. This report would require a waste rock management plan that prohibits the use of waste rock in roads. There was pretty strong agreement on that. It would require information on types and numbers of jobs. It would require identification of three responsible mining operations elsewhere in the country in similar mine sulfite ore deposit situations. It would require a third party cost estimate for the cost of closure so that the applicant could provide the financial assurances that the money would be there in the event it was needed for closure. Also what we added was a provision for a standby trust, that had been discussed in the past and is now agreed upon and in this Majority Report.

The key sticking points that we couldn't find agreement on; one was this Majority Report includes sort of a tightening of the description of the mining area to include a definition of activity unit. Sort of a tighter geographical area, if you will, than the previous statute has. Then the big one that everyone's been talking about is that it includes an application requirement that the applicant provide assurance that there will be no water treatment after 10 years following closure of the mine. That's really a big sticking point. This Majority Report includes that provision and I'm speaking in support of that and I urge your support as well. Thank you.

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 in opposition to the pending motion. A couple of weeks ago, when we debated this very motion, the Majority Report, I said that I thought that it was premature, that we would be able to work on a lot of these issues in the upcoming session, but in the spirit of compromise a lot of people did come to the table and try to work out something in the last couple of weeks. I think that there is something out there that could be offered that gives almost everything that the Majority Report has in it, but there is a couple of things that aren't in that that I think is important. The proponents of the Majority Report keep talking about Michigan and New Mexico as being states that have something like this, but in reality those states don't put in a time limit. They don't put a 10 year limit on perpetual care. It would be a little disingenuous to point to those states and say that we need to do it like them and then say that in addition that we'd have to put a time limit on to when the mines will be closed. I would ask you to reject the Majority Report and go to something that is a true compromise that I think that we all can say made the bill better, but wasn't out of line with what other states in the country are doing.

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

Senator **GRATWICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I rise in support as well of L.D. 1302 and what's been said by Senator Boyle. I, too, have

served on the ENR Committee. As background, I'm very much in favor of mining. I think we have to mine here in Maine. I think that it's unconscionable for us to use copper or lead or zinc or whatever that's mined in other states and other countries, where it's not well structured and regulated. I think when we do mining here in Maine we have to do it right. We're not just doing it so we can have our transistor radios, our copper bracelets, but so that we're really making a mine that's going to last for the centuries and our grandchildren, our great great grandchildren, aren't going to be ashamed of what we've done. As brief background, also I have to tell you that my great grandfather was a miner, a lumber baron, out in Michigan. He was really one of the pioneer Americans who basically thought there was so much landscape out there that you could rape and pillage. Our family always has these ambivalent discussions about great great grandpa because he made a fortune, which he, alas, then subsequently lost, in Michigan with mining and then he walked away from it. The world is no longer quite as large as it was in great great grandfather's time. I think we need to be very careful.

I'm very supportive of numbers one through seven, I think this bill has made some good progress. The major issue, of course, is what in perpetuity means and does zero or ten years or thirty years really have any meaning. I have to say, I spent a long time thinking about this because it gets very complex. The only way I could really decide upon it turns out to be very simple. If you dig a big hole in the ground, I was just thinking, if you dig a big hole like we have in the front of the Senate here. You dig this great big hole. You've got to put the equivalent amount of earth that you've taken out of here. You've got to put it in a pile over here of rock and slag. You have another pile of tailings that would be over here. Somehow, when you're finished with that mine, whether it be in five or fifteen or twenty years, you have to figure out how you are going to take care of that big hole in the ground, that's filled with water. We've all seen pictures of trucks going down and down and down to the very bottom of this. How are we going to take care of that so that things don't leach out of it? Likewise, how are we going to take care of this big pile of rocks over here? Enormous. You realize that the mining we're going after is sulfide deposits. Oxygen or water; sulfide turns into sulfuric acid. Sulfuric acid dissolves all sorts of things of the walls of this great hole we made, designed. It takes also things out of this pile we've made. Sulfuric acid will take with it that arsenic, the antimony, and wash them down stream into the trout stream and down to the clam flats. The real question comes, how, up front, if I'm a mine owner and I want to extract this, how am I going to guarantee you that this place is going to be forever? I think forever is a very important word. Forever and non-polluting to the streams that flow away from it or this great big pile of tailings and rocks that I have. You can cover it over with plastic, the way they do on the soil landfilling in Hampden, near Bangor where I live. You could cover it with plastic, landfill technology. Pretty good, but can you say that's going to last 20 years, 50 years, 100 years? I suspect not 1,000 years. Are you really going to want to refill it back in? That seems to me that you would have to line that so stuff doesn't leach out of the sides of your great canyon that you've made and then you've got to cap it on top. In other words, you've got to fill it back in and that's a lot of work, but that really takes care of the problem as well as we possibly can. I think it's possible, when you are judging a mine, to say, "Yes, this is going to work in perpetuity," because you've taken all the care by filling it back in or somehow covering it up so that the water simply doesn't leach through it in 20, 50, or 100 years. I feel it's

unacceptable that we have that pile leach out two, three, or five generations from now. We are not doing our work here, as Maine citizens, in this era if we leave it 100 or 200 years in the future.

I have two handouts that I've given you here. I think they really go through some of the specifics of the way this is done in a model mine, Eagle Point Mine out in Michigan. A smaller mine, but it shows it can be done. Another handout that really has to do with the definition of in perpetuity and what that means in the United States, as a whole.

I think we need to set very high standards because, as I'm sure you all know, next year we'll be having other rules coming back for substantive rule making or approval from the Jackson Corporation from Michigan. I think we need to send a very strong message to them that Maine has high standards. We want to have mining here, but we want it done, we want it done right, and we want it done for the future. I think very strongly we want to do it better than my grandfather did. Therefore, I would also support L.D. 1302. Thank you, Mr. President.

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, there are a couple of things that I want to make as points. I appreciate the good Senator Johnson reading the opening sentence of the paragraph there, but I want to read the rest of the sentence where it says, "No registered professional would make a prediction that water treatment can be terminated 10, 20, or 30 years after mine closure if they are held professionally responsible for this prediction." We, as law makers, are going to create a 10 year window. I guess we're not professionals, perhaps. I also want to react to the wonderful picture sent out by the good Senator from Bangor. I would point out to you that this pit, this mine, is a four year project. It's a small mine. In fact, it's absolutely correct that they have a, I think, 5 year perpetual treatment requirement. What is not on there is the fact that they take a majority of the rock that's going to be recovered, that they are actually going to take the gold and silver and etcetera out of, to another site where they are going to grind it up. It's actually an old steel site. They are going to grind it up there on that steel site and it has no perpetual agreement requirement on that particular area.

I won't go through this in detail. I think that what we have proposed, if we get there, will do many of the same things and I think the rules are there. What I want to share with you is just two statements, and I do appreciate the comment that was made by the good Senator from Penobscot about that we have a responsibility. I want to read this to you because it's from Dr. Johnson, who is at the University of Maine in Orono. A geologist. Again, I've said some of this before, but I want to read the exact quotes. He sent me an e-mail after because I was kind of picking his brain on where we need to go. One of the things he says is, "I want to see the rules being developed by DEP before any preemptive legislation is passed." This is preemptive legislation. However, I do agree with some of the points in this legislation and always felt, with the hard work we spent last year, that there were some places to improve such as the third party stand-by trust, such as not using waste rock out there, and further defining where the water quality needed to be measured. Let me read this last paragraph because I want to make sure you hear it verbatim because I think what we do have will do that. "Every one of us in Maine is a consumer of metals and other mined mineral

resources. Those resources commonly come from third world countries where there are no laws or regulations. I've been to these places and seen the people and the habitats that we help to destroy each and every day through our contributions to global demand. We are, therefore, part of the global problem. We can help to show the world how to do this right while at the same time carrying out some of the responsibilities of our own appetite." I believe the laws we put into place will do that and I believe this will stop all mining. Thank you very much, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise again to add a couple of thoughts. First of all, while any given professional may not want to make a statement about how long it will take to close a mine, it is nonetheless setting some expectation rather than none, which will lead people to making decisions about how to operate the mine, how to design the operation of that mine, so that closure within a reasonable amount of time is possible. With no expectation of a timeframe there is no frame work for making decisions of how to design the mines so that closure, meeting our expectations, has no impact on groundwater is possible. We have to set some expectations and I think that this, just as some of the other requirements that we have in law like the expectation that there will be no groundwater pollution, is framing the expectations for the industry. They can find ways to implement this and I'm confident that, although it may give professionals heartburn trying to be held to a prediction, nonetheless they can make good decisions as to what will and what will not be likely to lead to the ability to close the mine as designed within a finite timeframe. I trust the professionals to be able to do that. Thank you.

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to address one thing. One of the things either amendment that's put into place is requiring is that best management practices of three mines be identified. I'm sure that this mine that we see on our desk would probably be one of those mines that are identified and that in the rule making perpetual care will be defined and what is acceptable waste treatment to meet those requirements will be defined. Perhaps it's not in the law, but it is well intended in what we have in place right now that should be addressed. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Goodall to Recede and Concur. 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 (#311)

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

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **JACKSON** of Aroostook, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-305)**, in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "B" (H-305)**.

On further motion by same Senator, Senate Amendment "A" (S-307) to Committee Amendment "B" (H-305) **READ**.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, this amendment builds on the work of the committee in the 125th Legislature. The amendment strengthens several aspects of existing law. For example, taxpayers need to be protected from future clean-up costs at a mine site. The amendment keeps in place changes in financial security provisions adopted by the Majority Report of the committee this session. These changes include a stand-by trust, similar to Maine's current solid waste rules. It further limits the type of financial instruments that a mine owner can use to guarantee the cost of clean-up will be paid by the mining company, not the taxpayers. It requires a third party to verify the cost of closure and monitoring that mining applicants provide to DEP as part of their application. It also requires an estimate of the number and types of jobs that mine will produce. It requires the submission of three examples of responsible mines from around the country and it has the requirement that mining occupant has both a waste water management plan and a prohibition on using waste rock for roads, which is different from the Majority Report. I think it actually strengthens it and makes it more environmentally friendly. It sets up a strong approach to water quality monitoring and it establishes the 100 foot maximum for mining areas for compliance well unless the applicant shows the DEP a greater distance that is more protective to the environment. It keeps in place the idea of prohibiting perpetual care at closed mine sites, but eliminates the idea that 10 years meets the definition of perpetual. I think that, in the application process, a limit on years certainly could be agreed to, but it would be agreed to on the science of it instead of the Legislature coming in with just an arbitrary number of 10 years. I think that this

amendment certainly is stronger than the Minority Report "B". It puts five of the things that the Majority Report originally had into the Minority Report, the big thing being the number of years. There is no limit on the number of years. That will be whenever the application is put in, the regulators will have the opportunity to establish a time limit. It's not, like I said, putting an arbitrary number on. I think that this certainly comes a long way from the original Minority Report. It makes it certainly more environmentally friendly and it is a true compromise, which is what we were asking for two weeks ago when we originally had debated this. The other thing about it is that this Legislature is going to have the ability to look at this issue all again next session. I feel pretty comfortable with what we're doing here today to make the law better and we're all going to have another opportunity to look at it down the road from here. Thank you very much. I hope people support this amendment.

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

Senator **BOYLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I do support this amendment. The five key things: waste rock plan, information on jobs, three responsible mines elsewhere, third party cost estimate, and stand-by trust. Those five things were not in the legislation enacted in the 125th. They would be in this legislation if we move forward. They would go to the department for rule making and back to ENR next year and then, hopefully, back to the full Legislature. All those five provisions certainly would improve the process for maintaining water quality. I rise in support of those things. Thank you.

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

Senator **GRATWICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to that amendment proposed by my good friend from Aroostook, Senator Jackson. Specifically, the point that it's really at issue here is number five, "A mining operation closure plan," and pay attention to this, "including provisions to minimize post-closure water treatment to the extent practical." That's such a loophole that you could drive ten large mining trucks through that. I just think that that's not the direction that we want to be going in this. There is the next phrase that says there can be perpetual care for this, but I think that that's not giving the strong wording that we need to give for this. I think that this amendment waters down what's been done and it is really against the general spirit of what we're trying to do, which is to save the Maine taxpayers money and to save the Maine landscape here. I would urge people to vote with me against this amendment. Thank you, sir.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I rise in support of this amendment and ask for your support as well. I believe this is reflective of the type of movement towards something that is environmentally stronger and economically sound as we move forward, very cautiously, and appropriately cautiously, with mining in our state. I want to thank the Senator from Cumberland and the Senator from

Aroostook for their work on this amendment. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I certainly agree that this amendment strengthens what would otherwise be a lesser bill. Regarding all this discussion about arbitrary timeframes, I just want to make the point once again that sometimes the timeframe is very useful in setting expectations. I would ask you, how many of you believe that we would have reached the moon if we set as a goal not how many years we would get there in but that it would be nice to get there sometime?

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-307) to Committee Amendment "B" (H-305) **ADOPTED.**

Committee Amendment "B" (H-305) as Amended by Senate Amendment "A" (S-307) thereto, **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-305) AS AMENDED BY SENATE AMENDMENT "A" (S-307) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later Assigned (6/14/13) matter:

SENATE REPORT - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Law Governing Provider Contracts with Insurance Companies" S.P. 540 L.D. 1466

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-284)**

Tabled - June 14, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ACCEPTANCE OF REPORT**

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

Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-284) **READ** and **ADOPTED.**

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

Ordered sent down forthwith for concurrence.

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

Off Record Remarks

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

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

On motion by Senator **GOODALL** of Sagadahoc, **RECESSED** until 3:45 in the afternoon.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Laws Governing Secession from a Municipality" (EMERGENCY) H.P. 1131 L.D. 1561

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-539).**

Signed:

Senator:
LACHOWICZ of Kennebec

Representatives:

GRAHAM of North Yarmouth
BOLAND of Sanford
BOLDUC of Auburn
CHENETTE of Saco
COTTA of China
NADEAU of Fort Kent
NADEAU of Winslow

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

Signed:

Representative:

PEASE of Morrill

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-539)**.

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-539) **READ** and **ADOPTED**, in concurrence.

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

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

SECOND READERS

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

Senate

Bill "An Act To Establish the High-efficiency Biomass Pellet Boiler Rebate Program and the Home Heating Conversion Fund"
S.P. 542 L.D. 1468

READ A SECOND TIME.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-301) **READ**.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, this amendment still keeps intact the

idea of having a high efficiency biomass boiler rebate program, but it makes it a straight general obligation bond for \$10 million. That's what the amendment does.

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 Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **THOMAS:** Thank you Mr. President. Is there some particular reason why we're singling out just wood pellets and we're ignoring firewood and chips and other biomass that grow in the woods of Maine and would provide jobs for Maine people? For the life of me, I can't understand why we would single out just pellets.

THE PRESIDENT: The Senator from Somerset, Senator Thomas poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. What I'd like to do, ladies and gentlemen of the Senate, is give you a brief history of this bill so that you have a better context of understanding why this amendment is here and what was the objective of the bill when it was first introduced to the Energy, Utilities and Technology Committee. Originally, when this bill was introduced, it was introduced with the proposal to have a revenue bond attached to the funding. The objective of the bill was to provide a stimulus to help a new industry, or an emerging industry, within the state of Maine for biomass pellet-fired boilers, boilers that are different than a pellet stove. They are a larger energy appliance generally found in your basement and heats the entire building. During that process we discovered there may have been some issues in regards to the anticipated revenue source for the bonds. The bill was then amended to what you see before you to provide for money that is available in the Department of Agriculture, but, once again, there's some question because of the source of those funds coming from a legacy trust when Maine became a state. Because of those issues, they raised some questions on the viability of the availability and use of those funds. This amendment has been proposed to go back to the concept of raising the money, this time through a general obligation bond, should that bond be approved by the Legislature and, ultimately, by the citizens of Maine. The purpose of it, and this is why it's focused on boilers, is to create a critical mass of an industry that can put in place the infrastructure of both providing and installing the stoves, but also for the industry involved in providing the fuel for that industry. The belief is that if we can stimulate that emerging industry that it will grow beyond what our contribution is and will provide an opportunity for those who make a living producing pellets that would fuel them, to be able to both service the customers and get indigenous fuel from the state of Maine rather than petroleum products from overseas to heat our homes. That is the objective and that is the reason why it's more targeted

to this one specific industry, to provide an opportunity to grow that industry here in Maine.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Jackson to Adopt Senate Amendment "A" (S-301). 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 (#312)

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

NAYS: Senators: COLLINS, CUSHING, FLOOD, HAMPER, KATZ, MASON, SHERMAN, THIBODEAU, THOMAS

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **JACKSON** of Aroostook to **ADOPT** Senate Amendment "A" (S-301), **PREVAILED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-301).

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Supplement Benefits for the Purchase of Taxable Food Items (EMERGENCY)

S.P. 505 L.D. 1411

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-308)**.

Signed:

Senators:
CRAVEN of Androscoggin

LACHOWICZ of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-309)**.

Signed:

Senator:
HAMPER of Oxford

Representatives:

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

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (S-308)** Report.)

Reports **READ**.

Senator **CRAVEN** of Androscoggin moved the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308)** 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 Kennebec, Senator Lachowicz.

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, we're talking about food stamps, SNAP benefits. In fact, many people like to talk about them. They have opinions on how people should spend them, what we should do about them. We've heard people say how people should spend their SNAP benefits. They shouldn't buy junk food or soda, which is what the original version of this bill did, or they shouldn't be buying expensive things, like lobster and steak. In fact, I have a constituent whose son, when he finally got his SNAP benefits after months, he has a congenital heart condition that will kill him before he's 40, went out and bought her lobster and steak. She wonders if he's the example people talk about, how they shouldn't be spending their food stamp benefits. He just bought the lobster to say thank you to his mother for providing him a place to live. SNAP is a federal program. However imperfect it is, it is what it is. The original bill proposed to prohibit SNAP benefits to buying non-taxable grocery items, which is soda, junk food, and things like that. Let me be clear. I know the history of the food stamp program. How it originally distributed surplus agricultural products to the needy. Decades later we have big agriculture and

grocery interests who benefit from it. Yet our nation is not any healthier. Instead of getting peanut butter or cheese, SNAP benefits can buy soda and Little Debbi snack cakes. I get the arguments against this. It's our money. Why should we be paying for luxuries? It's for food for people in need. Alternately, why should we subsidize choices that lead to bad health outcomes?

The federal government has never granted a waiver to do this, however. For what it's worth, the federal government prohibits these types of waivers. This is the dilemma I saw in the committee. Initially I presented an amendment in the committee because I wanted us to do something that worked. I believe the program can work better. I wanted us to use a carrot rather than a stick, which is what I said at the time, because that is what is effective. I offered an amendment, but it wasn't ready. We voted along partisan lines, which was unfortunate. I found myself wondering about all the nanny state arguments that I'd been hearing here. I wanted the SNAP program to work better and for people to be healthier, and, yes, for the taxpayers to get more bang for their buck. I backed off and researched it more. I found out that we have underused SNAP Ed funds. These are funds that can pay for farmers at farmers' markets, to get those little card readers so that people who have SNAP cards can go to the farmers' market. It can also be used to pay for education so people can learn how to eat healthier food, cook healthier food, and identify healthier food. Just yesterday I was reminded about this. I love Brussels sprouts. I was talking to someone about the amendment. I said that all the years I worked in social work I told people I liked Brussels sprouts but so few people know how to cook them. I think they are delicious. My favorite way to cook them is with shallots and with little cubes of sweet potatoes. They are very, very good and you should try it sometime. In my research I ran into a friend of mine who was a guest of the other Senator from Kennebec. My friend works at the Vassalboro Community School. I've known him for years and we've worked on some projects together. He's done this wonderful thing. He thinks we could use the funds better too. He works with high risk kids, much like I have done. What he did was he found some SNAP Ed educators and when then he developed a program for families receiving food stamp benefits at their school and they did this wonderful cooking program for parents and families from the Vassalboro Community School at the Barrels Community Market in Waterville. He described kids learning how to make tofu for the first time or not knowing what certain vegetables were and beginning to make them. These were from our local farms. They were from our local farmers. I thought that was the vision I was looking for. That is what I think is really effective; families learning how to cook together and cook healthier, sometimes using unfamiliar food, much of it local. He described it as a great success and families actually wanted more recipes and wished it could continue on, but it was a time-limited thing. The SNAP Ed funds are already assigned to us. We've underused them. This amendment says the department shall use them in a way to expand education, reduce food insecurity, collaborate in our communities in ways that increase SNAP beneficiaries' purchase of fresh fruits and vegetables, and, might I suggest, working with local schools, markets, and farms to get families cooking together. Perhaps it will be carrots. I recommend the ones from Snake Creek Farm in Pittsfield. That is in my district. They are also the most delicious carrots I've ever had.

Regarding the fiscal note on the original bill, as far as I can tell this fiscal note assumes people will just use cash rather than

their SNAP benefits to buy junk food and soda. It's not actually something we can look into and I think that's a tall order. I don't think it's accurate. I just think I'd like to end there and say that's the amendment I brought and that was the vision I had. I appreciate Senator Katz and Representative Hickman for bringing this forward. Instead of letting it die, I wanted us to do something that work. Thank you.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I believe the Majority Report should be filed onto the redundancy table. A work group to do something that's already being done. The U.S.D.A., federally funded, SNAP Ed promotes health and prevention of diseases by providing nutrition education, obesity prevention, and promotion of physically active lifestyles for SNAP eligible recipients in efforts for them to make healthy food choices within a limited budget. U.S.D.A funding comes to Maine through U.S.D.A. food nutrition services, that's FNS, which approves the direct activity and direct activities brochure distribution of health related materials that Maine provides. The federally funded program requires use of U.S.D.A. dietary guidelines for Americans by plate and other evidence-based approaches to educate children and their families about nutrition and active lifestyles. States do outreach to elder populations in such venues as schools, SNAP/TANF offices, public housing sites, food banks, senior centers, and job readiness or training programs for SNAP/TANF recipients. States are required to follow the guidelines of supplemental nutrition assistance program education guidance in delivering their SNAP Ed programs. It's being done. In Maine the Office of Family Independence, OFI, oversee the implementing agency, which is the University of New England, which sub-contracts with Healthy Maine Partnerships to conduct statewide SNAP Ed outreach activities. UNE also partners with the Good Shepard Food Bank, Hannaford, and other community agencies. Nutrition education in Maine is conducted by dietitians. Maine SNAP Ed does direct outreach through such classes as Cooking Matters and Shopping Matters for adults and in classroom setting that conduct U.S.D.A. approved curricula such as Eat Well/Play Hard, Yummy, and Color Me Healthy for children. Maine implemented it's new SNAP Ed program on March 1 of this year and in its first three months has conducted direct education classes for almost 6,000 Maine SNAP eligible participants, mostly children in classroom settings. It has distributed nutrition information to more than 11,000 SNAP eligible recipients, all to the tune of \$4 million. As I said, this committee amendment, or the Majority Report, does belong on the redundancy table because it is being done now. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Ladies and gentlemen of the Senate, we live in an extremely complex world that I think befuddles all of us from time to time trying to understand its complexity. Once in a while an issue comes up that I don't find complex at all. It befuddles me when other people do. This is the Supplemental Nutrition Assistance Program. Notice that second word. Nutrition. Why are we using taxpayer dollars to buy junk food that we know makes people sick and that will cause them to

have to seek medical attention that we will pay for a second time? I think it was that kind of logic that was probably going around right before the fall of Rome. Why do we do stuff like this? This program started, those of us who are old enough to recall, as a program where you would go to a delivery place and you would pick up food; what was thought to be nutritious food at the time. Eggs, peanut butter, powdered milk. You didn't go down and pick up a liter of Coke or chocolate or potato chips. It was designed to help provide nutritious food for people. I don't know where it strayed from that concept. Again, with the scarce dollars that we have, why are we using our taxpayer money to buy junk food for people? That's exactly what we are doing. I suspect that the reason that we have to seek a waiver, why it is not federal law, may well have something to do with the power of the junk food lobby in Washington D.C. The argument is, "Well, let's not bother to seek a waiver because three or four other states have sought waivers and none of them have gotten one." What about if there is a fourth state and then there is a fifth and a sixth and a tenth and a twentieth and we can end this madness? How can anybody justify that this is how we use taxpayer dollars? The argument is it's not fair to people, it's demeaning to people to tell them what they can eat and can't eat. There are other funds that people can use, to the extent that they get TANF benefits. God bless them, they can use that however they want, to the extent that they are, maybe, the working poor and be receiving food stamps. They can use that money to buy whatever they want. When we're using our taxpayer dollars there ought to be limits. I'm comfortable in standing up and saying we ought to be setting those limits. Mr. President, if we were starting a program from scratch, and we knew that there were people out there who were hungry and we wanted to help them, would we ever start a program that was allowing them to buy potato chips and soda and Slim Jims? I don't think so and I think that, as group, as a Legislature, we ought to stand up and say this is wrong and we're going to petition the federal government to change it and we hope other states will join us in that effort. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (S-308) 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 (#313)

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

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308)** Report, **FAILED**.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-309)** Report.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Expand Access to Early Postsecondary Education" H.P. 677 L.D. 963

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-545)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-545)**.

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

READ ONCE.

Committee Amendment "A" (H-545) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Allow a Person Who Is 21 Years of Age or Older To Expunge Certain Criminal Convictions" H.P. 368 L.D. 549

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-544)**.

Signed:

Senators:

VALENTINO of York
TUTTLE of York

Representatives:

PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
GUERIN of Glenburn
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland
PEAVEY HASKELL of Milford
VILLA of Harrison

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

Signed:

Senator:

BURNS of Washington

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-544)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-544) **READ** and **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Promote Innovation in Public Schools"
S.P. 390 L.D. 1129
(C "A" S-291)

In Senate, June 17, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-291)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-291) AS AMENDED BY HOUSE AMENDMENT "A" (H-548)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **GOODALL** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

On motion by Senator **GOODALL** of Sagadahoc, **RECESSED** until 6:30 in the evening.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act To Provide for Economic Development with Offshore Wind Power"

H.P. 1053 L.D. 1472
(C "A" H-525)

Tabled - June 18, 2013, by Senator **CLEVELAND** of Androscoggin

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, June 17, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-525)**.)

(In Senate, June 18, 2013, **READ A SECOND TIME.**)

On motion by Senator **CLEVELAND** of Androscoggin, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-525), in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-525), in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/7/13) matter:

SENATE REPORT - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding School Construction"

S.P. 429 L.D. 1235

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-239)**

Tabled - June 7, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ACCEPTANCE OF REPORT**

(In Senate, June 7, 2013, Report **READ.**)

Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-239) **READ.**

On motion by Senator **MILLETT** of Cumberland, Senate Amendment "A" (S-312) to Committee Amendment "A" (S-239) **READ.**

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

Senator **MILLETT:** Thank you Mr. President. Members of the Senate, I rise today in support of Senate Amendment "A". Just like our roads and bridges, Maine has many aging schools. These are the buildings where our children go each school day to learn and grow. It is critical that they are welcoming, inspiring, and, most importantly, safe. The State Board of Education determines which schools that have applied for the major capital school construction program are approved. In 2011 71 schools applied and only 6 were approved. The need for the remaining 65 schools still exists and these schools cannot move forward with the construction pre-planning process without risking being penalized by the Department of Education. The amendment before us now was developed after working in conjunction with the Department of Education and clarifies language of the Ought to Pass as Amended Report from the committee and tightens the requirements. It would still allow the next 6 schools to begin the school construction pre-planning process. Allowing them to begin this process insures that if and when they are approved by the Commissioner of Education as Phase 2 schools they will have

already taken care of the preliminary steps, such as working with stakeholders and the department and state board, in developing a unified vision for the project, which could even include conceptual drawings. This will expedite the time it takes to complete a new construction project and this is important when we are considering projects where it can take two years or more to get a shovel in the ground. As I previously mentioned, this amendment clarifies what is allowable under pre-planning. It does not include site location, construction documents, or any actual construction. If the school district chooses to move forward on their own than they will incur all responsibility for the cost of any construction pre-planning that they have already conducted and any school that conducts pre-planning will not receive any preference in any future school construction priority lists. Our schools should be a source of community pride. Studies show that our physical surroundings have a significant effect on moral and this is no different with our schools. We want our schools to provide the best quality education possible and the school building is an integral part of that, so please follow my light. Thank you, Mr. President.

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

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I find myself in a really unique and odd situation of speaking against a unanimous committee report, but I'd like to preface this by suggesting that school construction is probably one of the most technical pieces of what we do in the Education Committee and I feel very sorely equipped on school construction issues. When the good Senator Alford brought this bill in front of us it seemed to make perfect sense. Schools could get started and they could get in the process and they could be ready to go when they got the green light. It seemed like we were headed in that direction and then it was only after we had our committee vote on that that we learned that there were some real capacity issues within the department. When you are on that list and you've gotten the green light, the 6 schools that are there, you work hand in hand, hand in glove, with the Department of Education on every single step. If you're going to do this pre-planning, and as the good Senator, our Chair, had said, you do work with the department on those pre-plans. Again, it's an issue of capacity over the department, of taking away their direction of the 6 schools currently that are on the list to make sure that their plans get across the finish line and those schools get built. While I wholeheartedly support the concept, I'll be in opposition to this because, for me, it just comes down to a capacity issue of the department to be able to manage those that are currently under construction and those that are running up to construction. Thank you and I apologize for the confusion on the votes on the original bill.

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

Senator **MILLETT:** Thank you Mr. President. Thank you for allowing me to speak on this a second time. I would say that more importantly than the issue of capacity is the issue of

urgency. The testimony that we received, frankly, it was appalling, both as a legislator and as a parent, that there are buildings out there that lack sprinkler systems or that have fire damage. The list could go on and on. It's really quite disturbing. This is just a very minor step, a simple step, that we can take in helping in alleviating this issue as quickly and as efficiently as possible. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Millett to Adopt Senate Amendment "A" (S-312) to Committee Amendment "A" (S-239). 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 (#314)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **MILLETT** of Cumberland to **ADOPT** Senate Amendment "A" (S-312) to Committee Amendment "A" (S-239), **PREVAILED**.

Committee Amendment "A" (S-239) as Amended by Senate Amendment "A" (S-312) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-239) AS AMENDED BY SENATE AMENDMENT "A" (S-312)** thereto.

Ordered sent down forthwith for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Simplify and Encourage the Sale of Hunting and Fishing Licenses and Permits

H.P. 190 L.D. 229
(C "A" H-523)

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

Ordered sent down forthwith.

Emergency Measure

An Act To Protect Newborn Infants from Critical Congenital Heart Disease

H.P. 310 L.D. 460
(H "A" H-535 to C "A" H-515)

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

Ordered sent down forthwith.

Emergency Measure

An Act To Ensure the Integrity of Maine's Medical Marijuana Program

H.P. 1000 L.D. 1404
(C "A" H-514)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 5 Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act To Create an Educational Collaborative Partnership To Implement a Program That Enables Career and Technical Education Students To Earn College Credits while Attending High School

S.P. 506 L.D. 1412
(C "A" S-286)

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

Ordered sent down forthwith.

Emergency Measure

An Act To Amend the Charter of the Alfred Water District
S.P. 601 L.D. 1562
(C "A" S-289)

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

Ordered sent down forthwith.

Emergency Resolve

Resolve, To Extend the Deadline for the Department of Health and Human Services To Submit a Report on Persons with Intellectual Disabilities or Autism
H.P. 552 L.D. 801

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.

Ordered sent down forthwith.

Emergency Resolve

Resolve, Regarding Implementation of Cost-of-living Increases for Nursing Facilities
H.P. 833 L.D. 1189
(C "A" H-513)

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.

Ordered sent down forthwith.

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

ENACTORS

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

Acts

An Act To Restrict a Health Insurance Carrier to Rating on the Basis of One Geographic Area

H.P. 136 L.D. 161
(C "A" H-288)

An Act To Restore Consumer Rate Review for Health Insurance Plans in the Individual Market

H.P. 186 L.D. 225
(C "A" H-314)

An Act To Establish Fees under the Maine Medical Use of Marijuana Act

H.P. 330 L.D. 480
(C "A" H-512)

An Act To Update the Polygraph Examiner Licensing Laws

S.P. 480 L.D. 1373
(S "A" S-290 to C "A" S-287)

An Act To Protect Cellular Telephone Privacy

S.P. 484 L.D. 1377
(C "A" S-278)

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

Ordered sent down forthwith.

An Act To Align Costs Recognized for Transfer of Nursing Facilities and Residential Care Facilities with Ordinary Commercial and Government Contracting Standards

H.P. 357 L.D. 538
(C "A" H-516)

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

An Act To Improve Preventive Dental Health Care and Reduce Costs in the MaineCare Program

H.P. 555 L.D. 804
(C "A" H-517)

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

An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities
H.P. 630 L.D. 906
(C "A" H-524)

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

An Act Related to Public Funding of Charter Schools
H.P. 750 L.D. 1057
(C "A" H-529)

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

An Act To Increase Consumption of Maine Foods in All State Institutions
H.P. 888 L.D. 1254
(C "A" H-510)

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

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

ENACTORS

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

Acts

An Act To Improve Wind Energy Development Permitting
H.P. 260 L.D. 385
(C "A" H-521)

An Act To Establish a Stewardship Program for Architectural Paint
S.P. 451 L.D. 1308
(S "A" S-296 to C "A" S-270)

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

Ordered sent down forthwith.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Further Strengthen the Protection of Pregnant Women and Children from Toxic Chemicals"

S.P. 418 L.D. 1181

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-310)**.

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot

Representatives:

WELSH of Rockport
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
McGOWAN of York

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-311)**.

Signed:

Senator:

SAVIELLO of Franklin

Representatives:

AYOTTE of Caswell
CAMPBELL of Orrington
LONG of Sherman
REED of Carmel

Reports **READ**.

On motion by Senator **BOYLE** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-310)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-310) **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.

Senate at Ease.

Senate called to order by the President.

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

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

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

On motion by Senator **GOODALL** of Sagadahoc,
RECESSED until 8:30 in the evening.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Expand School Choice for Maine Students"

S.P. 576 L.D. 1529

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

Signed:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay

DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFELD of Bangor
MAKER of Calais
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 "A" (S-313)**.

Signed:

Representatives:

JOHNSON of Greenville
McCLELLAN of Raymond

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

Senator **MILLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **MILLETT**: Thank you Mr. President. Members of the Senate, I rise this evening to ask you to vote against L.D. 1529. This measure proposes a number of changes to our state's public education system that would be detrimental to our current schools and the education of our students. First, L.D. 1529 would lift the current 10 school cap on public charter schools in Maine. The cap put in place by the Legislature last year was designed to give Maine time to evaluate the impact and be thoughtful about the addition of charter schools. We have not even reached the 10 school cap and lifting it is neither necessary nor advisable. We have already heard much this session about the data showing charter schools often do not improve the education of our youth and, in fact, frequently public charter school students perform worse than their public school peers. We need to allow the existing charter schools to operate for a meaningful period of time and reflect academic performance that would support and justify any further expansion. In addition, allowing an unlimited number of public charter schools in Maine would put an untold strain on our already tight education budget. As we look to improve the quality of our schools, and support them and educators to best support our children's education, we are continually confronted with a lack of money. The budget both Bodies supported last week restored some funding to education, but we are still far off from our goal of 55% and we simply cannot afford to syphon more funding from our schools to new public charter schools. It would be to the detriment of every student's education. This bill goes even further, to allow private sectarian schools to receive public funding. Our founding fathers may have lived during a different time, but they recognized the importance of separation of church and state and, in my view, this section of the bill clearly violates this section of the Constitution. L.D. 1529 would represent major steps backwards in our state's education system. I urge you to

follow my light and vote down this legislation. Thank you, Mr. President.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Millett 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 (#315)

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

NAYS: Senators: BURNS, CUSHING, MASON, THIBODEAU, THOMAS, WHITTEMORE

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015

H.P. 1061 L.D. 1480
(C "A" H-536)

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

Ordered sent down forthwith.

Emergency Measure

An Act To Exclude Certain State-funded Costs from the State Share of the Total Cost of Funding Public Education
H.P. 23 L.D. 25
(C "B" H-506)

Comes From the House, **FAILED ENACTMENT**.

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

Emergency Resolve

Resolve, To Establish the Study Committee on Alternative Methods of Enforcement of Spousal Support
S.P. 155 L.D. 375
(C "A" S-294)

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

Emergency Resolve

Resolve, Approving the 2013 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for Its Publication and Distribution
S.P. 607 L.D. 1564

This being an Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 35 Members of the Senate, with no Senator having voted in the negative, and 35 being more than two-thirds of the Members present and voting, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Secretary of State for his approval.

Ordered sent down forthwith.

Acts

An Act To Promote Sustainable Food Policies
S.P. 283 L.D. 745
(S "A" S-298 to C "A" S-136)

An Act To Amend the Maine Medical Use of Marijuana Act with
Regard to Excess Prepared Marijuana
H.P. 1011 L.D. 1423
(C "A" H-537)

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

Ordered sent down forthwith.

An Act To Increase Maine's Energy Competitiveness
S.P. 246 L.D. 697
(C "A" S-292)

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

An Act To Improve the Quality of Guardian ad Litem Services for
the Children and Families of Maine
S.P. 297 L.D. 872
(C "A" S-297)

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

An Act To Increase Funding for the Snowmobile Trail Fund and
Adjust the Sales Tax Relating to Snowmobiles and Trail-grooming
Equipment
H.P. 902 L.D. 1263
(C "A" H-533)

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

An Act Regarding Insured Value Factor Payments for Public
Tuition Students Attending a Private School
S.P. 563 L.D. 1505
(C "A" S-293)

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

Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 3:
Maine Clean Election Act and Related Provisions, a Late-filed
Major Substantive Rule of the Commission on Governmental
Ethics and Election Practices

H.P. 1110 L.D. 1543
(H "A" H-538)

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

Ordered sent down forthwith.

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

COMMUNICATIONS

The Following Communication: S.C. 486

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

18 June 2013

The 126th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third,
Section 2 of the Constitution of the State of Maine, I am hereby
vetoing LD 734, "An Act Relating to the Sales Tax Exemption on
Depreciable Equipment Used in Commercial Wood Harvesting."

This bill is returned for the same reason as LD 491: it is
unconstitutional. I question why some would be so focused on
passing unconstitutional laws rather than find solutions to get
Mainers working again.

This sales tax exemption was put into place after my
administration proposed it in the 125th. It puts loggers on par
with agriculture and other natural resource industries.
Complicating this exemption by attaching unconstitutional strings
could jeopardize this incentive for all in the commercial logging
industry. That would be a terrible result from an attempt to score
political points.

For these reasons, I return LD 734 unsigned and vetoed. I
strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act Relating to the Sales Tax Exemption on Depreciable Equipment Used in Commercial Wood Harvesting
S.P. 272 L.D. 734

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 try and get someone to vote the way I think that this should be voted on. Here we have a veto message that I actually, I don't if it's because I'm too tired or what, kind of enjoyed. I think this one I'm going to frame and put up on my wall and maybe show my kids, my grandkids. This veto message talks about the bill is returned the same as L.D. 491 because it's unconstitutional. I question why some would be so focused on passing unconstitutional laws rather than finding solutions to get Mainers working again. I find that a little bit hypocritical. I think that the bills that we're talking about here today are the bills trying to get Mainers working again. In earlier debate on one of these bills I passed out a proof of ownership form, coming out of the Department of Labor. It has Jean-Guy Robichaud & Fils Inc. I talked about how Jean-Guy is a business that has a processor and a forwarder. He has close to \$1 million worth of equipment and Jean-Guy actually bonded himself to come to Maine to run his own equipment. Those are jobs that people here in Maine could have. There is no shortage of workers whenever you bond yourself to come and run your own equipment here in Maine. Those are the types of jobs that Mainers definitely want. They are contracting jobs. They are not in the deep far recesses of the woods. These jobs are actually 30 miles northwest of Allagash and there are considerable people that have this type of equipment. My son actually runs one for white oak. They have four processors and they are all over the place. To say that this bill is unconstitutional and question why someone would put this bill in instead of trying to get Mainers working, I think, is certainly disingenuous. The idea of these bills is to stop foreign workers coming over and taking Maine business' jobs and displacing them, which is against the federal law, but, unfortunately, this Administration has not been willing to step up and do anything about that. It talks about scoring political points. Well, I don't know about scoring political points, but what I do know is that I represent a lot of people in the logging industry in my area and they would like to have these jobs instead of having Canadians coming over and going around the system, bonding themselves to come here and run their own equipment. I think it's just hypocritical for anyone to sit here and say that that's okay. I just can't believe that people are going to vote not to override this veto. This bill is not unconstitutional. It's never been proven to be unconstitutional. It's never been ruled to be unconstitutional. The bill talks about our tax dollars and what we want to do with them. As I said earlier, we have a policy in here that says that if you are a Maine resident we will give you a homestead exemption. We'll give you the tax dollars, Maine tax dollars, if you are a Maine resident. No different than what this bill is going to do. If you are a U.S. based corporation you can get sales tax exemption if you buy equipment here in Maine. It's our tax dollars deciding if we were going to go ahead and let U.S. businesses get these exemptions. We're not even willing to force these

Canadian companies to come to Maine and spend \$100 to incorporate here in Maine so they can get the tax exemption. I just think that's incredible, that people are going to sit there. If you're going to vote to sustain this override please vote because you really think that Canadians can come here and take Maine jobs, not because it's unconstitutional because it hasn't been ruled that. As I said before, I don't think the Governor has a great track record on saying what's unconstitutional.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cushing, and asks for what purpose the Senator rises.

Senator **CUSHING:** Thank you Mr. President. Do the rules in this Chamber allow us to address the second floor by name? Secondly, does a member have the right to question the intention of another member in why they are going to vote?

THE PRESIDENT: The Chair would remind all members that we should not make judgments or pass any sort of assumptions on why a person would vote or not vote for a bill and the Chief Executive should be called the Chief Executive always in this Body. Does the member wish to proceed?

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 (#316)

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 487

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

18 June 2013

The 126th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 984, "An Act To Amend the Health Plan Improvement Law Regarding Prescription Drug Step Therapy and Prior Authorization."

Step therapy helps to keep the costs of health insurance down by ensuring trusted less expensive drugs are used before a patient is stepped up onto a more expensive, brand name prescription. This requires a relationship between the patient, the doctor, and the insurer so that all parties are working together.

Part of that relationship includes prior authorization by insurers before prescribers move to higher-cost drugs, ensuring the step therapy process is followed as a rule. Patients may be moved to higher cost drugs if there are medical reasons for doing so, but current law requires a conversation between the provider and the insurer to keep overall costs down. Like all rules, prior authorization has exceptions, such as a medical emergency.

Maine law requires insurers to turn prior authorization requests around in 2 business days. This bill would shorten that window to 24 hours. Requiring insurance companies to provide medical and clerical staff in the office every weekend for these prior authorization requests will drive up costs for consumers.

For these reasons, I return LD 984 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Amend the Health Plan Improvement Law Regarding Prescription Drug Step Therapy and Prior Authorization
S.P. 329 L.D. 984

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

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal the 2-year Limit on Methadone and Suboxone Treatments under MaineCare" H.P. 664 L.D. 951

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-559)**.

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-560)**.

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-559)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-559)**.

Reports **READ**.

Senator **CRAVEN** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-559)** 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 Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, first I don't think that it's really medically practical to legislate medical practice in this Legislature, but I will read Committee Amendment "A" so that people will know what they are going to be voting on because this amendment does replace the bill. The amendment replaces the bill and is the Majority Report of the committee. The amendment amends the prior authorization process for Methadone and so-called Suboxone treatments under MaineCare. It allows for the continuation of coverage without prior authorization if the individual receiving the treatment is pregnant or has serious and persistent mental illness or resides with a child that is under 3 years of age for whom the individual is primarily responsible. It also allows an individual who is on a very low daily dose that is considered a maintenance dose to continue coverage without prior authorization. For Suboxone this amount is 4 mg daily. The maintenance dose for Methadone will be determined in the Department of Health and Human Services rules. The amendment also directs the department to increase the reimbursement rates paid to Methadone clinics from \$60 a week to \$70 a week per patient. The reason for that is that when we cut the reimbursement in the budget two years ago clinics stopped providing treatment for patients, that is therapy and that really is the treatment. The medication is just the maintenance of their sobriety. This would allow clinics to hire back counselors to continue that. In our committee, when we had our work session, Dr. Flanagan from the Department of Health and Human Services decided that this was a good method and that this was very workable and a much better and efficient method than we had initiated two years ago. Thank you, Mr. President.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, does the taxpayer of the state of Maine, those who are footing the bill for the Methadone treatment, aware of the fact that we're going to just extend this completely? No limitations. Does the taxpayer know the number of clients in the clinics that they are paying for? Does the taxpayer know the number of clients receiving take-home doses of Methadone that they are paying for? Does the average dose of Methadone for clients given at the clinics, do the taxpayers know about the average dose? Does the taxpayer know about the range of doses of Methadone given at the clinics that they are paying for? Does the taxpayer know about the incidents of tampering with the dosages that they are paying for? Does the taxpayer know the frequency of the drug use in the past 30 days by the clients at the clinics that they are paying for? Does the taxpayer know the number of arrests in the past 30 days of clients that have been at the clinics? Does the taxpayer know the number of clients

discharged and the reasons for those discharges and does the taxpayer know the number of deaths associated with Methadone? We have Narcotics Anonymous clinics available throughout the state. Sunday there are 10 different meetings throughout the state. Monday there are eight. Tuesday there are eleven. Wednesday there are eight. Thursday there are eight. Friday there are eight. Saturday they are eight. They range from Alfred, Augusta, Bangor, Belfast, Damariscotta, Ellsworth, Farmington, Ft. Kent, Lewiston, Mexico, Old Orchard Beach, Portland, Presque Isle, Rockland, Saco, South Thomaston, and Waterville. There is a different way than trading one addiction for another. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just rise to question whether or not it's appropriate that this Body practice medicine. I think that there are a number of different situations where we would really wish to leave that particular practice between a healthcare provider and the patient. I'm sure you are all aware, I'm sure my colleagues are aware, that narcotics actually do change your brain. Is it for better or worse? That's a judgment each of you will have to make. They have MRIs of different receptors in your brain that are different if you've been on narcotics. I would also remind you that exactly the same is true with your lungs if you've been a smoker. You can get, as you well know, emphysema, COPD. If we are going to deprive the people with changed brains because they had the bad judgment to do drugs, should we be doing the same for oxygen, albuterol, steroids, or the wide variety of treatments that are given to people who have been smoking? That is also something that's been done. Alcohol, where do we draw the line there? Are you going to withdraw steroids? Are you not going to give anything? What about pancreatitis and all the things that can occur with chronic alcohol abuse? There are many other situations in which we, as human beings, for better or worse, change our bodies and I think we go on a very slippery slope to say that because of fiscal reasons, because the taxpayer thinks it's appropriate, because of moral reasons, we think that it's good to give one kind of treatment or another. I think there has to be significant flexibility as healthcare providers deal with their patients and I think that that should be left to the healthcare professionals and not left to a legislative mandate. Therefore, I'm going to strongly support the Ought to Pass as Amended, Committee Amendment "A". Thank you.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, during the 125th Legislature we passed this very important piece of legislation with substantial bi-partisan support because these clinics were out of hand. People were going for 12, 15, or 17 years without any end in sight. The money that was being paid into these programs was not producing the desired results. Many people testified to that. We are starting to see the light at the end of the tunnel, I believe, and I would encourage you to read Dr. Flanagan's report in opposition to this bill. I'll just quote a very small portion of it. "Many members of the Suboxone program are successfully reducing the doses they are taking without withdrawal symptoms or relapse. Others are,

for the first time, becoming more engaged in a comprehensive treatment care program and not just taking the medication." He goes on talking about the success because of the results of this bill that has finally caused people to actually work towards getting off the substance that they were addicted to. To turn the clock back now is going to be a disservice not only to the taxpayers of the state of Maine but also to those people that have been addicted and been involved in these clinics for dozens of years. It would be absolutely ludicrous. We have to think about both of those groups. This wasn't done for a punitive reason. It was done for a perfectly good reason and it's working. We talk about therapy. Most of these clinics, from my understanding, before we reduced the amount of reimbursement had reduced their therapy sessions down to group sessions rather than individual therapy sessions. Once a week with a whole group of people, if you choose to be there. Let's not forget about who's complaining about this. It is the people who were being subsidized by the taxpayer's money to keep these programs going. There was no incentive to get people off the substance that they were subjected to and addicted to. That wasn't good for the taxpayers and it certainly wasn't good for the people who were addicted. Let's vote against this motion. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to follow up on the words from the good Senator from Washington. I agree with the good Senator from Penobscot, that we should not be insinuating ourselves in between the doctor and the patient in terms of the relationship or telling the doctor how he should or should not be practicing medicine. I don't think that's what this current law does at all. Medicaid, from my perspective, is an insurance plan. Like any other insurance plan, the insurer can set reasonable limits on how much care the insurance plan will pay for. There is nothing in the current law which prevents a doctor from prescribing Suboxone or Methadone for 50 years. What it does do is say this insurance plan, which is funded by taxpayers, is only going to pay for it for 2 years unless there is a good medical reason why it should continue and, if the physician gets prior approval, it will and it can continue. To place a reasonable treatment limit for most cases makes financial sense for the people who are the premium payers here, which is all of us, the taxpayers, and does, however, allow for a safety valve for patients who really do need it beyond 2 years simply by requiring the physician to get prior authorization to go beyond that point. The current law made sense when we passed it. It's working. It would not make sense to repeal it, which is essentially what this bill does. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you Mr. President. With apologies, Mr. President. Ladies and gentlemen, I do realize the hour is getting late, but I would also question whether or not if you are a diabetic, and you haven't lost 20% of your body weight and whether you could be in the same taxpayer funded program, we should then be saying you should not have your insulin any more. In other words, by doing that we are telling healthcare practitioners how to practice, number one. Number two, we've all heard many cases of abuse. I've heard of many cases of abuse

of narcotics. On the other hand, there are many cases, as well, where it has been remarkably successful. I know I have people who are teachers; I know people who are doctors; I know people who are lawyers; I actually know people who are politicians as well who are on narcotics and they function very well. They've gotten their lives back together. Finally, Dr. Flanagan, who is the Medical Director of the Medicaid Program, who I've known for the last 20 years, is very good and very astute. He has enormous flexibility as he looks at this. He does not say you should stop whatever after every 2 years. There are these prior authorizations that he uses very liberally because it's his judgment. I've talked to him several times about this. It's his judgment that some people need this for much longer. That judgment has to be permitted for healthcare providers when they deal with these people who really changed their brains. Thank you, sir.

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

Senator **PATRICK:** Thank you very much Mr. President. I have a question to pose through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **PATRICK:** Thank you Mr. President. I was wondering if anyone could answer; the doctor's report that was just brought forward, I was wondering if the doctor's report was 100% successful and, if it wasn't 100% successful, what was the cost to the taxpayers and the citizens of the state of Maine for those that were unsuccessful?

THE PRESIDENT: The Senator from Oxford, Senator Patrick poses a question through the Chair to anyone who may wish to answer. The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-559) Report, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#317)

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, WHITEMORE, YOUNGBLOOD

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-559)** Report, in concurrence, **PREVAILED**.

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

READ ONCE.

Committee Amendment "A" (H-559) **READ** and **ADOPTED**, in concurrence.

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

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

COMMUNICATIONS

The Following Communication: H.C. 213

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

June 18, 2013

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

Dear Secretary Grant:

House Paper 121, Legislative Document 146, Resolve, Directing the Bureau of Insurance To Study Issues Related to Long-term Care Insurance, 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?"

87 voted in favor and 55 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.**

The Following Communication: H.C. 214

June 18, 2013

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

Dear Secretary Grant:

The House voted today to insist on its previous action whereby it accepted Report "B" Ought Not to Pass of the Committee on Agriculture, Conservation and Forestry on Bill "An Act To Provide Economic Development in Aroostook County through Expanded Sale and Lease of State-owned Land" (S.P. 186) (L.D. 493).

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 218

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

June 18, 2013

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

Dear Secretary Grant:

The House voted today to insist on its previous action whereby it insisted to acceptance of the Majority Ought to Pass as Amended Report of the Committee on Environment and Natural Resources on Bill "An Act To Amend the Maine Metallic Mineral Mining Act To Protect Water Quality" (H.P. 929) (L.D. 1302) and Passage to be Engrossed as Amended by Committee Amendment "A" (H-304).

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1134

JOINT RESOLUTION CONCERNING A PROPOSED EAST-WEST HIGHWAY

WHEREAS, We, the Members of the One Hundred and Twenty-sixth Legislature, find that the scope and scale of the proposed east-west highway, which would be the longest private road construction project in the State's history, warrant full legislative and administrative oversight; and

WHEREAS, over 175 small businesses on existing east-west routes are opposed to the proposed highway because of irreparable economic damage that would occur from the "bypass" effect due to rerouted traffic; and

WHEREAS, the State's fisheries, wildlife and recreational assets are central to the State's economy and a 220-mile highway bisecting the State would have an inevitable negative impact on habitat, recreational areas and the north-south movement of people and of animals; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, want to protect the public interest with regard to this private road proposal and be certain the negative impacts are as minimal as possible; and be it further

RESOLVED: That we also want to ensure there is ongoing legislative oversight for any proposal that comes forward and to require an in-depth agency review of all potential impacts to the State's environment, small communities and existing economies along any proposed route.

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

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 Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I get it. There are some people in the state of Maine that don't want to see any kind of development of any kind for any reason ever again. What I don't get is us passing a Resolution on such flimsy evidence as I see in this Resolution. It talks about 175 small businesses that would be negatively affected. Some of these 175 businesses, I've seen the list, don't handle as much money as my daughter did when she

had a lemonade stand in the 3rd grade. It doesn't talk about the businesses that would be positively affected. This Resolution just looks at the negative effects of anything and, for the life of me, I don't understand. We have people who would come here and spend \$2 billion to build taxable property, hire people to do it, pay property taxes on this, and connect us with a country that we do more business with than any other country in the world, Canada. We buy more from Canada. We sell more to Canada than any other country in the world. They are our neighbors. They are good neighbors. We're not talking about Iran or the Soviet Union or the old Soviet Union. We're talking about people who we do business with every day; people who are our friends. For some reason we don't want to be connected with them. We talk about the negative impact of the North-South movement of people. That's in this Resolution. How in the world. Has I-95 affected negatively the impact, the ability of people to move East and West in Maine? It hasn't. We talk about how this highway would cut the state in two. Let's be realistic about this. Before we send the message to the world that Maine is anti-business and is against improving our economy let's take a good look at some of these things. Before we go passing Resolutions that tell everybody that we're not interested in doing business, that we're not interested in improving the standard of living of Maine people, let's take a look at some of this, please. Thank you.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, under the Resolve it says that we, the members of the 126th Legislature, now assembled in the 1st Regular Session, on behalf of the people we represent, we want to protect the public interest with regard to this private road proposal and be certain the negative impacts are as minimal as possible and be it further resolved that we also want to insure there is ongoing legislative oversight of any proposal that comes forward to require an in-depth agency review of all potential impacts to the state's environment, small communities, and existing economies along the proposed road. Mr. President, I'm in favor of that and will be voting for it. Thank you.

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I appreciate that being read to me. It's like a bedtime story. I, too, believe the same thing, but there is no need to put it in writing. It's already a given. Thank you very much, Mr. President.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm going to use the very thing, this legislative cliché. I wasn't going to rise to speak on this issue, but I feel compelled to tonight. The East-West highway, upon its completion, will be a vital link for commerce between Canada and the United States. Maybe some of you don't realize this, but I do know it because I've been on the Transportation Committee for the full 11 years that I've been a member of the Maine Legislature, the Maine Turnpike is a private road. The Maine

Turnpike was built with private funds. They borrowed money for the bonds that built the road shortly after WWII. The Maine Turnpike Authority maintains its own fleet of vehicles for the maintenance of the highway and they maintain the highway. It is a vital link North to South for commerce in Maine. It is the lifeline of Maine for our commerce. Freight moves in. Freight moves out. Finished products move in and move out. It is very important to our economy here in Maine. We talk all the time about the North and South Maine. How there is two different parts of Maine. Some parts of Maine are more prosperous than others. The North seems to be losing population. The South seems to be gaining it. What an important factor to have in that part of Maine than an interstate highway, a four lane highway, that connects right across the state of Maine. What an important link that would be for commerce for those people living in that part of Maine who have huge difficulties finding employment, good jobs. Talking about good jobs, we're always talking about good jobs here. Can you imagine the people that will be employed by the construction effort for this road? The Maine Legislature should be advocating for this road. We should be pushing for this road. We should be encouraging the construction companies who want to build this road and the people who are going to raise the funds to build it. This road won't require any funding from the State of Maine. It will be raised privately, according to the news releases that I have read through the last year or so. There will be private funds to build it, just like the Maine Turnpike Authority. When the Maine Turnpike was built it was private funds. You probably don't realize this either. The Maine Turnpike Authority has its own troop, State Police troop, on the turnpike. They pay for the cars, the uniforms, and even pay for the guns. The same could exist with the East-West highway. The East-West highway is something that should happen. The Maine Legislature should be advocating for it. This Resolve that we're discussing here tonight, this Resolution, to me, is doing the wrong thing. It's not promoting the concept of an East-West highway. We should be promoting this vigorously, and not just in this building but in the media as well, advocating for it. Mr. President, thank you for your time and attention.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Mazurek.

Senator **MAZUREK:** Thank you Mr. President. Just a word on the East-West highway. First of all, I'd say it's supposedly a private enterprise, so we really have nothing to say about it. We've discussed this in Transportation. We found that it is really basically a road to nowhere. We tried to figure out how many jobs would be created. It is a 220 mile strip, highway. Maybe one or two gas stations. That's not a whole big population of workers. It's going to divide the state even more than it's divided. It's one of the problems in the state of Maine. We have so many different divisions that unity is very difficult for us to achieve. The benefit would basically benefit one or two very powerful individuals while the rest of us would lose the character of Maine for a dollar bill. I will not support that and I urge other people to look at what we have. Are we going to concrete over our natural resources so we can put some 18-wheelers between the ocean and New Hampshire quicker, or New Hampshire and Canada? I think it's a terrible idea. It's made no sense when I heard it in Transportation and as I listened tonight it even makes less sense. Thank you.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, like a number of other people, I didn't mean to speak on this tonight. I'm involved, if I may, with the Maine-Canadian Ombudsman folks. We've met with people from Quebec. Quebec is looking for this road to come across, basically. If you have the time to do that, you should go home tonight and look at the size of the state of Maine, how big this state is. It's bigger than countries in Europe; thirty something thousand square miles. We've had some bills here that pit us rural Mainers against Southern Maine. It's getting late. I lived in Portland for a number of years, other in the Bethel area. I used to go home every weekend. I was at school and I was working down there. After a while I said that I would go up every other week and then we would go up every other month and then pretty soon we'd go up for just a time. My family is up there. My brothers and sisters all moved out of the state. This is a big state and I don't think we realize how big it is. What you're doing, really, is 10 million acres, that the lobbyists in this place are trying to keep in place, with 17 million acres of woods here. If you go up in an airplane and look at it, you see nothing but trees. In terms of the East-West highway, this is an old idea. It's been around. At some point its time is going to come. If you talk to our Canadian neighbors, basically they say, "What the heck are you guys doing?" Two years ago I talked about the East-West highway that's already there. You can get on a four lane highway ten miles from my house in Woodstock. It goes right over the top. Another four or five hours for the East-West commerce. We're building things in Newfoundland. There are American companies building things in Newfoundland. What I'm saying is when I lived in Southern Maine you don't realize how big you are. From here it's 200 miles north. Kevin Glenn was my seatmate many years ago, the last century. He had a wife that was from New York. He said, "I can get to New York faster than you can get to Houlton, Maine." He was correct. This state probably should have been divided into two. The area down here that you can drive through in an hour and a half easily. Put your hand on a map. The map is divided off into section. There are about seven sections that hold 600,000 people of the million and three. There are like 30 something sections in the state of Maine that are, essentially, vacant. It's shame that we look next door. We've done this with the mining. This isn't the mining bill. It's sad, sad how parochial, if you will, some people get. I didn't prepare a speech, which is obvious because I'm rather rambling here. New York state, I have friends in New York state. They do that same thing. They hate New York City. You go up in the Albany area, it's a rural area. I have a brother-in-law who sells potatoes, seed potatoes, in New York. You go to upstate New York and Albany is like a weird place. I know the capital is there. I ask you just to look at this shape of the state of Maine, how big it is. One last comment, this again is late at night. When I lived in Southern Maine in a nice place, I like the pizza and that sort of thing. You built a shopping center while I was there. You moved the pig farm. I used to be a pig farmer years ago. You built a shopping center, which I always still find interesting. You had what was called the Million Dollar Bridge in South Portland. Some of you are old enough to remember the Million Dollar Bridge. We now have a Hundred Million Dollar Bridge. It doesn't work too well. You have to sweep out underneath to get it to work on a regular basis. A \$100 million would have gone a long ways. Around by the oil

tanks over there and gotten yourself in South Portland because of the One Hundred Million Dollar Bridge. It's kind of rambling, but I don't believe you understand how large this state is. To lock it off the way it's being done, let's throw the key away, and too bad up there. We lost 22,000 to 25,000 jobs in these so-called rim counties. It's sad to hear some of the conversations here. Decisions are made 300 miles south of Ft. Kent for instance. I wish you'd think about it at that time. I thank you for letting me rant and hope we can get out of here before midnight.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, this Resolution is about making sure that we have oversight and we do it right. It's not against the East-West highway. At the same time, all these things that have been said tonight on the floor, we must ask ourselves why are we potentially against other forms of economic development. Let's be consistent, men and women of the Senate. Let's make sure we don't foreclose other economic development projects in the north woods, other opportunities to grow jobs. We want good oversight of certain energy projects. We want good oversight, on this Resolution, looking at the East-West highway. No one's opposed to the East-West highway, as it pertains to this Resolution. It's about good oversight. We know there are potential job opportunities. We know it may have a positive impact. We know it may have a negative impact. What this is about is making sure that we do it right and we oversee it properly, just as many in this Chamber talk about certain types of renewable energy. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Adoption, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#318)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the Joint Resolution was **ADOPTED**, in concurrence.

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

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

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Wednesday, June 19, 2013, at 10:00 in the morning.