MAINE STATE LEGISLATURE

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

In Senate Chamber
Thursday
June 16, 2011

Senate called to order by President Kevin L. Raye of Washington County.

Prayer by Senator Rodney L. Whittemore of Somerset County.

SENATOR WHITTEMORE: Good morning. Let us pray. Father in heaven, we pray this day for patience. Many of us are growing tired with all the hearings, readings, and debate about words. We all have our own ideas about what should be said and how to say it. We all know whether a bill should be tabled, approved, or defeated. Let us know Your will in these matters, Lord. Let us be patient with each other, but not to the point where the people of Maine suffer. Make us uncomfortable as long as people suffer and we have the power to alleviate that suffering. Lord, continue to guide us through Your spirit so that we may do Your will. We ask this through Christ our Lord, Amen.

Pledge of Allegiance led by Senator Bill Diamond of Cumberland County.

Reading of the Journal of Wednesday, June 15, 2011.

Senate at Ease.

Senate called to order by the President.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Authorize the State To Purchase a Landfill in the Town of East Millinocket

S.P. 500 L.D. 1567
(S "A" S-292 to C "A" S-282)

In Senate, June 13, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-282) AS AMENDED BY SENATE AMENDMENT "A" (S-292)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-282) AS AMENDED BY HOUSE AMENDMENT "A" (H-635)** thereto, in **NON-CONCURRENCE.**

Senator **SAVIELLO** of Franklin moved the Senate **RECEDE** and **CONCUR.**

Senator **SCHNEIDER** of Penobscot the Senate **RECEDE.**

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

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

Senator **SCHNEIDER**: Thank you Mr. President. Men and women of the Senate, we, as you know, have just received this bill back from the other side of the building as amended. I just wanted to take a few minutes to go over what the amendment does because it actually, I believe, does improve the piece of legislation. This is about acquiring the Dolby landfill. "The office may only acquire real estate associated with the disposal facility by donation and may establish the terms and condition of acquisition by donation and execute and deliver in the name and on behalf of the State all contracts the office determines are necessary or appropriate to effect the acquisition and operation of the disposal facility. Such a donation is conditioned upon the execution of an agreement by a buyer for acquisition of the pulp and paper mills in the town of Millinocket and the town of East Millinocket. The office is endeavoring to identify and implement measure to mitigate the State's closure costs, including the consideration of cost caps on the closure of the Dolby landfill, and the office having received from the buyer an acceptable business plan, including employment projections. The office shall undertake all actions the office determines necessary or appropriate to fulfill all obligations established under the contract." It is good. It is definitely a step in the right direction but I want you to look at the language of that amendment very carefully. All it says is that the agreement is based on the acquisition of the pulp and paper mills. It doesn't say anything about jobs. For me, and I believe most of here, perhaps all of us, the priority coming into this session was to create an environment where jobs could be grown and where we could save jobs if they were in jeopardy. We are also responsible, in this Body, to uphold the Constitution. It's important we make clear our intent and that we move thoughtfully and with care while working to ensure the best outcomes on every effort and initiatives that we undertake are critically important to the promise of providing the best outcomes for the district I serve and was elected to serve as well as the state as a whole.

Why are we considering taking over the Dolby landfill? We are discussing this because we are told it's necessary for the State to take on this liability to save mill workers' jobs. The mill workers' jobs. That's why we are discussing taking on this liability. This, of course, is a priority for me and we should absolutely fight for these jobs. Unfortunately, there is not one sentence in the bill as it comes to us with any promise or any assurance of mill jobs. Not one. What do we hear from those representing the present owner? We hear that if we do not take the landfill they will walk. Perhaps they will pull out machines and sell them to some other country and the jobs will be lost forever. They will strip it out and leave it bare.

What do we know about the problems of the landfill? We know that there is a tear in one of the cells at the landfill and that

they are leaking. I was contacted by a person in my district who said he worked for 30 years at the landfill. He said there is a lot in that landfill other than just wood fiber. When I asked him if he was in the Governor's shoes would he take on that landfill. He indicated, perhaps not in these exact words, that he would not take it at all, under no conditions. That's from somebody who claims to have worked there for 30 years. John Butera in the Governor's Office was given contact information and I have encouraged the Governor's staff to have a dialog with him about his experiences. I don't know, to date, if those discussions have gone on but I encouraged them to make sure to have those conversations. We have heard from people who worked there recently and they have indicated that there are some serious issues with regard to the landfill right now, today. We have projects of between $11 million and $17 million to address the problems at that landfill but we really have no idea of the cost at this time. Those are projections and only projections. What we can talk about is some of the liabilities from the past, like the Callahan Mines, which apparently we have paid many millions of dollars and, in fact, we still are paying, I guess, somewhere in the neighborhood of another additional $30 million for. Clearly the costs could exceed well beyond $11 million or $17 million. We just don't know.

It's ironic because the other night while I was immersed in thinking about this I had the television on in my hotel room and there were Republican candidates for President for the next Presidential election and there were people talking about the recent debate by Republican candidates. A lot of discussion happened around the bail out, the federal bail out. Clearly, there was a great deal of criticism, vigorous criticism in fact, of what happened originally under President Bush when he was faced with a dire economic situation which was inherited by our current President. It was sort of funny because it's not unlike what we're faced with today, here in the state of Maine, with this landfill situation. In fact, there are lots of similarities. We have a time pressure. Oddly, once again in this legislature, in the waning days, the last days of session, we're faced with an immense pressure when considering what we should do and if we should take on a liability of a multi-billion dollar Canadian corporation who does not want this landfill and is willing to gift us, donate to us, this asset liability. It is a gamble. In fact we've been talking a lot about gaming bills. This is perhaps one of the biggest gambles, of saving mill jobs even though there is not one sentence, not one single thing, in this legislation to ensure that mill workers' jobs in Millinocket or the surrounding towns will be saved. Not one.

I learned from the past and I wanted to share my experience with you so as we vote on these issues no one can leave this Body and say, "I didn't know. If only I had known I wouldn't have voted the way I voted." I just believe in transparency and that we should all go in with our eyes wide open about what we are supporting here today and that we can all take responsibility for our actions as such. I wanted to tell you about a past situation which came before my time under the dome but I was very much a part of as a citizen of Orono and a candidate for the State Senate. That was the Old Town mill situation when GP told us and told the Governor at that time and staff, Jack Cashman, that if they came up with a deal to take over their landfill, which they didn't want either because of the way that landfill had been dealt with and they wanted to get rid of it and unload it on the state of Maine, and if we assumed that they could then lease it and utilize that money for the lease to buy a biomass boiler in order to help reduce the cost of the mill to run the mill. GP said that they would do everything that they could to keep jobs there. I kept getting calls from people I knew at the mill and they kept saying to me, "Elizabeth, they are pulling the machines out of the mill." They had another mill up in New York State and they were very worried about the things that were being told to the Governor at that time and the staff and were concerned that their jobs really wouldn't be saved. I remember having a conversation with the man on the second floor at that time and he really believed Pete Carroll, the top person at GP at the time, that those mill jobs were going to be saved. I said, "It just feels wrong to me. It feels like not a good deal for the state but I'm not sure and I want to save those jobs but I'm really concerned because they are pulling those paper machines out of there." Well, we all know what happened. GP was bought by Coke and Coke pulled out of that mill. The landfill ended up being ours and we leased that landfill to Cassella Waste. I was also told that this landfill would be there for something like 40 or 50 years, for the people of Maine, so it was an asset because we needed landfill capacity, so that was okay. What's happened at that landfill and what concerns a lot of people is that the loophole of not accepting out-of-state waste, which you are not supposed to do in a state owned landfill, is skirted, there's this loophole that allows waste to come and be trucked in from everywhere, and be incinerated in the state of Maine. All of a sudden, low and behold, what does that become? It becomes Maine waste. It is an absolute loophole because then the ash from that once out-of-state waste gets trucked up on local roads to the Juniper Ridge West Old Town Landfill. We have become an out-of-state dumping facility. Not exactly within the branding of our state. Not the intention. Fortunately, we were very lucky, and with the incredible tireless work of Jack Cashman and Governor Baldacci, we ended up with jobs at that mill even though GP walked away and didn't leave a very good situation. That might not have happened and there was nothing to ensure those jobs, just like the situation we're in right now today. Will we repeat the same mistakes? Will we go forward with a bill that does not ensure one single mill job? Not one. I don't know. I guess that remains to be seen. What I do know is that this motion to Recede prevents this. I know I'm coming close as the Senate President and I have discussed earlier. The effort that I am trying to do is ensure mill worker jobs. There is just one little piece that we could add in. It won't guarantee a mill worker job but what I am interested in moving forward with is the acquisition agreement must provide that the disposal facility must only be used for disposal of sludge, ash, and other waste generated from paper making. Paper making operations. That's why I'm in favor of this Recede motion. I'm in favor of Receding. I want to get to a place where we can move forward with trying to add on an additional provision. Now you'll hear it's not necessary. What I was told yesterday by the Chair of the Environmental and Natural Resources Committee was that on one hand it is not necessary to add this piece because it's already somewhere in some licensing agreement but on the other hand he doesn't want to tie the hands of his committee because they are working on landfill legislation that they've carried over to the next session. Which is it? If it's in law how can this be in any way an issue for that committee? It's not logical. All I'm asking for then is a reiteration of what's already there in law to give a lot of people comfort that anything that goes to those landfills in the future will be from operations at mills. I think it's important to learn from past mistakes. If you think that this is just coincidence that we are here on the last days of session rushing to deal with this issue because if we don't there is

dire and serious consequences and we will somehow, or it is told to us that we will, be responsible for losing these jobs, let me tell you something, folks, don't buy it. It's not coincidence. It's orchestrated so we move quickly, just like they did in Congress to bail out big corporations and they did so without putting enough provisions, in my opinion, to protect the tax payers of the United States from mistakes, actually I don't even think they were mistakes, from actions of greedy corporate moves that were taken at the expense of the entire nation and, frankly, the world. There are similarities here. Unbelievable similarities and criticisms of government for having stepped in and not achieving the results that they intended. What I would not like to see is that we take on this immense liability.

One thing that I would just mention briefly, because I think there will be other discussions about this, if you look on page 39 in your register, which is our Constitution, and look up under Article 9 Section 14. Take a moment to read that. We're not supposed to push out liabilities over $2 million to other legislatures. That is in our Constitution. Will we push forward knowing all of the issues because we're under a large time pressure without any assurance, not one single assurance, for mill workers' jobs? Make no mistake, this is a roulette wheel we will be turning and we can make it better, it will be a little bit less of a gamble, no guarantee but a little bit less of a gamble if you go with me and go green on the Recede motion so we can get to the next piece of this bill, or hopefully next piece. I urge you to move carefully with me, to learn from past mistakes, to try to protect those jobs at that mill, and not simply take on a liability from a Canadian corporation that just wants to get free of the potentially millions and millions and millions of dollars to deal with that landfill. I do not want to see a situation where that mill becomes something other than a mill, where it becomes, perhaps, just a generating facility for some corporation to generate power which has very few jobs. That's not what we are trying to do here. We're trying to save mill worker jobs. Please come with me on the Recede motion. Thank you, Mr. President.

Off Record Remarks

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

Senator **SAVIELLO**: Thank you Mr. President. I'm trying to figure out how to answer all of the concerns that were just presented. The first thing I would say to you is that I'm not sure how saying a landfill can take only ash and paper mill waste will ensure jobs, but that's for you to decide. Let me start with an explanation. Perhaps I have not been clear to this Body as to why we are in this position and why it is at this timeframe. About two months ago I was approached by the people on the second floor about a concern about this landfill. At that time I brought in the good Senator from Sagadahoc, Senator Goodall, Representative Duchesne, and Representative Hamper so that they could be part of these conversations so that we could figure out what the best way it was to proceed on this matter. Two months ago. I shared that with my caucus. Don't know what was shared with yours. This is not a surprise to us, at least. I will say that.

Secondly, why are we in this position? This is not like Georgia Pacific. Georgia Pacific said, "Buy my landfill and I'll stay here." These guys have said, "We're gone." Unfortunately we have a law that says they do have to maintain a fund to close the landfill. Being that they are an LLC they have put their assets up to close that landfill. What they will do, if we don't find a buyer or we don't help with this, is they will sell their assets. Those assets are the paper machines and they will close the landfill. Simple as that. In fact I passed out to you and in your hands you have a letter from our committee to Daryl Brown, who is the State Planning Officer Commissioner, and John Butera that explains some of those concerns that we have and why we are interested in doing this. I'll read this. When the primary purpose of our support of this resolve is the retention of 400 jobs in the paper mills in East Millinocket and Millinocket. We urge your office in your negotiations to ensure these jobs that are there. In addition, in the amendment that came from the other Body, we talked about a business plan. Before we go forward a business plan has to be issued and in that business plan it will identify if it's going to be in the pulp and paper business. If it's not we opt out and don't take the landfill. That's a very strong difference between the Georgia Pacific project and this one. It's not a corporate bail out. It's just a decision we have to make, as a state, as to whether we want to ensure those 400 to 600 jobs up there.

A couple of other points. The individual that the good Senator spoke about came to our committee and told us the same thing. However, as most of you know, I'm a scientist and have had, unfortunately or fortunately, a lot of experience with paper mill landfills. His speeches to us and his written documentation did not support the science or the data. In fact, just so you know, we asked for the water quality data. I want to make sure you all understand what we're talking about. The impact primarily is represented by elevated levels of calcium, terrible chemical; magnesium, another terrible chemical; and bicarbonate. That's what we are talking about. That is typical of a paper mill landfill.

The second thing the good Senator talked about, and this is why I don't want this, is a redundant requirement. It's already in the license and, in fact, again in our letter to the Commissioner we said that we wanted monthly updates, as a committee. In addition, before the agreement is entered into, to change the operation of the landfill including a change to the type of waste that might be disposed of. We want to know, as a committee, before we go forward. We've already addressed that. I would also point out to you that if it's a State owned landfill out-of-state waste cannot go into that landfill. Cannot. I want to emphasis that. Cannot go into that landfill.

A couple of other points. It was mentioned that there was a tear in the landfill. There is no tear in the landfill. There is no liner there. This is a paper mill sludge landfill. There is no liner. The mention of the Callahan site. That is, in fact, a hazardous waste site. This is not a hazardous waste site nor will it ever be a hazardous waste site. It is primarily fiber and coating. The reason right now that they are not using it is either it's going for composting, which means you might get it to put in your garden, or it's coming down here to the Augusta landfill to help stabilize it. Finally, I would just add that this is about jobs. This is what this is about. We have to do this if we're going to help the people in East Millinocket and Millinocket. I would ask you to vote no on the Recede motion. Thank you very much, Mr. President.

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

Senator **DILL**: Thank you Mr. President. Men and women of the Senate, first I would just like to thank the committee and the committee Chairs for their hard work on this bill. It's clearly a difficult issue and I'm sure you spent a lot of time. Second, before any of you ask the question, yes, I have been to Millinocket. I spent a night in a lean-to in a thunderstorm there before climbing up Mt. Katahdin. Third, I care very deeply about jobs. From my perspective, from the 50,000 foot view, this bill is nothing more than corporate blackmail. A gun is being held to our heads and we're given the false choice of preserving jobs or accepting a landfill. This is another case of multi-national corporations and elite classes of investors using their political clout, high priced lobbyists, and unfair trade policies to undermine the democratic process and make a lot of money and minimize the risk. This group of investors has decided that this landfill isn't suitable for their portfolio. What we, as a State, have to decide is whether we're going to accept the landfill in our portfolio. I say it's a bad deal for Maine. This is another example of the financial sector governing the economy. A manufacturing company isn't going to own this mill. It's a foreign speculative group of investors whose goal is to maximize profit and minimize risk. I am very concerned about the liability that the State is about to undertake. I'm very concerned about the jobs, but the bill doesn't ensure any jobs. I'm also concerned with the State's exposure to potential liability as a result of our violating the Constitution. I would like to read into the record a letter that was delivered to our Attorney General, dated June 8th, from the Conservation Law Foundation because I think it's very important that the public and all of you are aware of what at least some experts in this area believe. "Dear Attorney General. We write to you in reference to L.D. 1567, Resolve to Authorize the State to Purchase a Landfill in the Town of East Millinocket, and our understanding that, as currently configured, L.D. 1567 does not comply with state constitutional requirements. See Maine Constitution, Article 9, Section 14. Despite the Legislature's laudable goal of restoring jobs in East Millinocket associated with the operation of the Katahdin Paper Mill, that goal cannot be achieved unless it is consistent with the Constitution. Pursuant to the text of L.D. 1567, the State Planning Office is directed to acquire, own, and cause to be operated the Dolby landfill in East Millinocket from Brookfield Asset Management, parent company of Katahdin Paper Company LLC Brookfield. The State's perspective acquisition of the Dolby landfill for a nominal purchase price includes, among other things, unused solid waste capacity, expansion potential, and the rights and obligations of all related solid waste licenses together with such related property, if any. Our current understanding of the situation is that the Dolby landfill contains over 30 years worth of waste that has been discharged at that site since the 1970s by what is currently the Katahdin Paper Mill in association with the mill's production of pulp and paper. For more than 20 years a permit renewal application for that landfill has been pending at the Department of Environmental Protection but has not been acted on due to continuing problems with leachate, discharges, and landfill stability issues. For at least two decades there have been documented and unpermitted discharges of leachate from the landfill to the ground water and surface waters in that region. Additionally, we understand that the soil underlying the landfill may be contaminated. In sort, the State is actively pursuing acquisition of a landfill that is in violation of state and federal laws. As the new owner of the landfill the State will assume primary responsibility and liability for past violations and for ensuring that future operations are in compliance with state and federal laws. In addition to the liability and any associated costs for unlawful discharges and soil contamination, the State will also acquire what has been represented as $250,000 annual expense of operating and maintaining the landfill. Finally, the State will also assume liability and responsibility for closing the landfill. Maine DEP currently estimates that the closure costs for this landfill, including post-closure operations and maintenance costs, are approximately $17 million, which is up from a 2009 estimate of $12 million to $13 million. Thus, ownership of the Dolby landfill will entail annual operation and maintenance costs of at least $250,000 a year, liability for any past, current, and future violations of federal and state law, and at least $17 million in clean up and closure costs. The legislation directing the State Planning Office to acquire these liabilities provides no details as to how the costs of those liabilities will be met by this or future legislatures. To that end Article 9, Section 14, of the Maine Constitution prohibits the legislature from creating," and here's the quote from the Constitution, "any debt or debts, liability or liabilities, on behalf of the State which shall singly or in the aggregate with previous debts and liabilities hereafter incurred at any one time exceeding $2 million," and it goes on, "and accepting also that whenever 2/3 of the house shall deem it necessary." I'll leave it to you to read the provision of the Constitution but I encourage you to read it because basically what it says is that by assuming a debt that is more than $2 million we need to comply with this provision of the Constitution, which we currently are not in a posture to do. The letter continues, and I'm almost done, "Landfill owners are legally obligated to fund the costs needed to close the landfill and clean up contamination associated with the landfill operations. Such legal obligations create liability on behalf of the State as the new owner in the amount of those costs noted above. L.D. 1567 does not contain any provision accounting for a payment of the liability or debt it creates. Accordingly, one can only conclude that the money needed to operate, maintain, and close the landfill and clean up any contamination will ultimately come from the general appropriations as opposed to a special fund. Even if Brookfield turns over the $7 million it purportedly has on reserve to fund closure of the Dolby landfill, to this date that amount falls short of the $10 million the DEP currently estimates the closure costs to be and, therefore, the debt or liability created by L.D. 1567 remains at a minimum $8 million in excess of the constitutional threshold. Although there is potential for the State to realize some income due to the limited unused capacity and potential to expand the Dolby landfill, and we understand that expansion was especially costly due to the instability of the landfill, there is absolutely no information available which suggests that any potential revenue generated from ownership would reduce the debt and liability that L.D. 1567 creates to less than $2 million. Accordingly, through L.D. 1567, the 125th Legislature would create a debt or liability well in excess of $2 million on behalf of the State, leaving funding of that liability to future legislatures, yet one legislature cannot impose a legal obligation to appropriate money upon succeeding legislatures absent strict adherence to the procedural requirements imposed by Article 9, Section 14, of the Maine Constitution. Pursuant to Article 9, Section 14, L.D. 1567 must be amended to provide for the bond issuance needed to fund the liability L.D. 1567 creates. Until it is so amended, unless 2/3 of both the House and Senate and the majority of the

elected approve that bond issuance, L.D. 1567 cannot pass constitutional muster regardless of its policy goal. To that end, we believe it's critical that your office review this legislation and determine whether it meets the requirements of Maine's most fundamental law, our Constitution."

To that end, the Senator from Penobscot, Senator Schneider, and myself have requested of the Attorney General a written opinion as to whether or not L.D. 1567 is in compliance with the Maine Constitution but the bottom line is this, this is a case of corporate blackmail. There are no good choices and, whether you support the bill or not, it's important for the Maine Legislature to make a statement about the current state of affairs in the economy that we are living in. We need to protect towns. We need to protect jobs. We also need to protect ourselves from these very powerful, multi-national speculative investors who have no interest in the welfare of our people. I encourage you to do whatever it takes to make this bill better, to protect our citizens, and to support the democratic process and our Constitution. I join in support of the motion. Thank you.

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

Senator **THOMAS**: Thank you Mr. President. Ladies and gentlemen of the Senate, Maine's not the only place that can make paper. Paper is made all over the world. We've driven the cost of making paper up, up, up, and up to the point where it can be made almost anywhere in the world for much less per ton than it is made here. Then we wonder why Georgia Pacific left and we wonder why International Paper left and we wonder why company after company after company is gone. East Millinocket used to have the second highest family income in the state of Maine not that long ago. That was one of the most modern mills in the world just a few years ago. Just a few years before that the mill in Millinocket was one of the most modern mills. There were 4,000 people employed there. I guess my recollection of what happened in Old Town and GP is much different than some of the others. I remember Georgia Pacific coming to the State House and telling people that they could make paper in other places and make much more money than they could in Maine and if we wanted to lower our energy costs, i.e. electric costs, and we wanted to do something about transportation that they would stay. There was a deal made so that the State took over the landfill and a biomass burner that is in Athens, which is about 10 miles from where I live, was taken down and moved to Old Town at millions of dollars worth of expense. They put up that biomass boiler and waited for months and months and months for the permits to operate it. Everyone knew they were going to get the permits in the end but the State just dragged its feet and dragged its feet until GP said, "You know what, we're not playing this game any more, we're going somewhere else because we can take that machinery somewhere else and we can make paper." That can happen in Millinocket and we can lose any hope of ever making paper there again. Either way we're going to end up with that landfill. Either way, whether we make paper in Millinocket and East Millinocket or not. We're going to have the landfill. It's too bad because there were deals made in the past that probably shouldn't have been made. Probably money should have been posted to close that landfill and not allow them to use the assets of the mill to close that landfill but they weren't. Now we're stuck with it.

The question becomes, do we want the 400 or 600 jobs that will come from making paper plus all of the jobs that come from the people working in the woods in that area, and they desperately need them, or don't we? We're going to end up with the landfill either way. Is this about jobs or is it not or will we not stop until we have driven every paper machine from the state of Maine because we're doing a good job of it. Thank you.

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

Senator **SCHNEIDER**: Thank you Mr. President. Men and women of the Senate, it is about jobs and I would submit that this is why you should follow my light on this motion. I want to speak a little bit about the letter that was sent to the department by the committee Chairs. That is laudable. It was done on June 9th, not even a month ago. It was done very recently. It does not guarantee us any say so. There are no guarantees at all in anything. Once we pass this there is no trigger to say that this needs to come back if there are changes and so on to the legislature for approval. Nothing. We pass this onto the Chief Executive and the departments and we don't get to have a say so. Our constituents do not have a direct voice in that. That is a huge concern to me. We are essentially with a gun to our heads, clearly. Certainly what has been said is do we want jobs, because if we want jobs than we must take this landfill because we're going end up with it anyways. Nobody can say that we're going to end up with this landfill for sure. Nobody. Just like nobody can say that this is going to save even one mill job, not one, because there is not one thing in this legislation to protect those jobs.

There was a question earlier about what else could happen there. Well, as I said before, it could be used as a landfill. There may not be a lot of capacity moving it out but we could move it up. There can be a mountain of landfill waste. Yes, it can come from out-of-state, just like at Juniper Ridge. Make no mistake about it. Eyes wide open. What ends up happening is the waste comes in from out-of-state and we cannot stop it because of federal law. It is incinerated here in this state. It is used for power or whatever and then it is trucked above Augusta, by the way. That waste is trucked on our local roads because you cannot go above, I believe, 80,000 pounds, I'm not positive of the exact number, and you cannot take those trucks above Augusta on our highway. Those trucks wind around the local roads, through a lot of communities. It's very dangerous. People have been killed because there are trucks going around our local communities. It does damage our local roads. Make no mistake; there are cost impacts just to that alone. It absolutely could be used as a landfill for out-of-state waste by the indirect burning and ash being trucked up. It could also be perhaps used as a power generating facility, which does not have mill worker jobs at it. Do I want jobs? Yes, but I do not like having a gun pointed at my head and have an out-of-country, billion dollar, multi-billion dollar corporation saying that they are just going treat us like garbage and stick us with their landfill that they don't want responsibility for if we want these jobs or if we even want a wing and a prayer for these jobs. There is no promise of jobs at this point. Not one person under the dome can tell you that there is a guarantee of one mill worker job. I challenge anybody to find that person who will guarantee that mill worker job. I'm talking about mill paper making jobs. We could be tricked.

I want to talk about the person who told us about the tear because we had a caucus and people came in from the town of Millinocket. They are wonderful for coming and advocating for their community for these jobs because, clearly, we all need jobs in this state. I know the posture that they are in very well, all too well, I might add. I've had two paper mills in my district, both of which have had extensive troubles. To blame the troubles of this mill on the State of Maine, when Mark Marston came and told us that this mill could have been viable and the reason it wasn't was because of a couple of schemes with regards to a power scheme, that they were paying far too much money for, and in addition to a management scheme that the company was paying far too much for and if they didn't have those two schemes in place the mill would have been viable. Please, let's not blame the State of Maine for corporate mismanagement. That's like blaming the people of the United States of America for the economic woes that we're experiencing today. Make no mistake, this was absolutely about greed. I am very tired of the State of Maine becoming a scapegoat for corporate mismanagement. The last paper mill that we went through this with was in Lincoln and the reason why we ended up with that is that they didn't put any or invest any money in updating their equipment. This is not because of failures by the State of Maine. Yes, we have high energy costs. Yes. Do I want to do something about that? Yes. To blame the State of Maine is outrageous and it doesn't apply. Start looking to the money. Follow the money and you will find a lot of the problems with the economic woes that we find ourselves in. Stop looking down and start looking up because most of the problems are created by the incredible amount of greed at the top of the pile, not at the bottom. Not the people who are trying to make a living, an honest living, here in the state of Maine nor the state government. Can we improve? Absolutely. Please, this posture that we are in has nothing to do with our shortcomings. We must go into this with eyes wide open and at the bare minimum, when I stand before all of you today, I can go away from this, regardless of how we all vote, knowing that there is not one person in this Chamber, and the record will show, that every single person knows what they are in for. We are all going to be responsible, as well as those on the second floor, for whatever actions we decide to take on this particular issue. I am trying, by this motion, to put one little thing in statute that helps protect mill worker jobs so we don't end up holding the bag on a multi-million dollar liability that costs the tax payers of the State of Maine a ton of money. That's what we're supposed to do, protect them from liabilities and ensure jobs. The bill, as it stands today, does not do that. I wanted a lot more in my amendment but I couldn't get agreement on that, so I'm offering just one tiny thing to try to preserve mill worker jobs because if anybody under this dome knows I know what it's like to serve communities that employ a lot of mill workers and there is nobody who cares more, maybe as much, than I do about preserving mill worker jobs. I urge you, urge you to take care and not simply buy the lines that are being told to you, the same lines, or very similar, told to previous legislatures. Notions and promises of what will come if only we do X and take over this liability, we will get jobs. God bless us all, I hope that is what happens but I would like a little bit more assurance, just as I thought, that many of us believed, we should have had more assurances in the efforts that were taken at the federal level with all the tax payer dollars that were used to bail out many, many corporations. That's what I'm trying to do. I'm trying to take that extra step. If it is redundant, so be it. I'd rather have redundancy than not have the protection. Nobody has shown me, not one person has shown me, where in law we're protecting mill worker jobs. I urge you again to please follow my light on this motion. Thank you.

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

Senator **HILL**: Thank you Mr. President. Ladies and gentlemen of the Senate, I have to say right off the bat that I don't have detailed knowledge on this landfill but, just based on what I'm sitting here hearing today and of course some of the letters and information that went around, I have to make a couple of points. I'm doing it more as a businesswoman than even as a legislator. First of all, I want to be really clear on the record, I am all for creating jobs and preserving jobs. I think we have to do it smartly and throwing money at a situation doesn't necessarily get us there. It certainly doesn't get us there for the long term. The second thing I want to say is that we've got to be thinking about the budget that we have running through the House and the Senate right now that looks like it will pass because in the budget we speak to the State Planning Office, we've set up a working group to review the State Planning Office with the high likelihood that it is going to be disbanded and broken amongst other agencies and departments. When I look at this bill and see that's giving the State Planning Office the power to consider acquiring, buying, and whatever it just seems like an inappropriate vehicle to be using. I'm concerned about that. Lastly, when I looked up the fiscal note it says that we could go as high as $45 million. When you are dealing with problem areas like landfills and any kind of toxic waste that could skyrocket even higher. I'm concerned about the ultimate cost. Then I heard one of the good Senators say, "Well, you know what? We need to do this because we're going to end up with this landfill anyways." As a businesswoman I say why pay for it? If we're going to end up with it anyways let's get it and let's take the money and think about buying the mill and buying the equipment and setting up our own business and then selling it or letting the employees buy it. To pay for the landfill and not have security in the jobs and then maybe still have the mill where they sell the equipment or it just sits there and rots, I'm just saying, as a businessperson, to any of you who are out there thinking about it to start thinking about it that way and let's make a really good decision. Let's really look at this thoroughly and decide for the long term what is the best for the state of Maine. Paying for something that we probably will ultimately get, that just, to me, is totally poor judgment. Thank you.

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

Senator **SAVIELLO**: Thank you Mr. President. I'll try not to repeat myself. I've heard a lot of repeating this morning. Let me just say a couple of things. Out-of-country business? Why don't you ask the people in Baileyville how well they've done down there? I believe more people are going back to work and a significant capital investment is being made. I think we also should be celebrating if those out-of-country businesses are coming back to the United States to make paper. There was a question about the letter of June 9th. You know the bill was posted on May 11th and the hearing was soon after that and it was about two weeks before that when we began the process. It wasn't on June 9th that we pulled this together. It was started on May 11th. The waste, again I want to point out to you, if you

change the waste it has to be repermitted. It has to start all over again and that is a public process. I'm sitting here saying to myself, "Why am I fighting this?" I am protecting 400 jobs. In fact, I'm for protecting 400 to 600 union jobs. I find it interesting that I'm calling the union up and asking for their help to get this bill passed. We shouldn't even be hesitating to get this through this system. This should happen. It should be a unanimous vote and we should move on. Greed. Well, I guess I'm greedy because I want 400 people to go back to work. I figured it out. Roughly, and this is a gross underestimation, if you take 400 people and use $30,000 as a wage, which I know they make more than that, that's $12 million a year. If you multiply that, because we all know that each one of those jobs creates three to five more jobs, do you think Millinocket could use those? I think they could. I'm willing to take that risk. I don't lie. The other part of it is the Planning Office, that's the only place we have to put it right now. We don't have anything else. Our committee is actually charged with, or charged by the Governor's Office with, coming up with a solid waste plan so we're consistent into the future. The sad part is that we're a year away from having that. If we had it today this would all be meshing together because we also have a financial plan in there of how we're going to get there and how we're going to pay for a lot of things, including closing the Greenville landfill, which we were responsible for. It's just time to stop the debate and we need to move on with this. Thank you, Mr. President.

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

Senator **SCHNEIDER**: Thank you Mr. President. I'd like to pose a question through the Chair, please?

THE PRESIDENT: The Senator may pose her question.

Senator **SCHNEIDER**: Thank you Mr. President. I'd like to know if the landfill today has a license and if it has had any problems with their license because of the tear in the cover? Thank you very much, Mr. President.

THE PRESIDENT: The Senator from Penobscot, Senator Schneider poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO**: Thank you Mr. President. Yes, it has a license. It has a license because it has never been revoked and when you have a license that is not revoked you continue to operate under the existing license. Number two, it has no liner so it has no tear. Thank you very much, Mr. President.

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

Senator **BARTLETT**: Thank you Mr. President. Listening to some of this debate you might think that we were debating whether to Indefinitely Postpone this bill, which we are not. All I've heard is folks wanting to figure out how to save mill jobs on both sides of this debate. I just want to be clear. I'll be supporting the pending motion to Recede simply because that's going to be part of what we do anyways. We can't get to the end result without receding on this motion to simply back it up to allow someone to offer an amendment that we can debate. It seems reasonable to me. After all, if this fails it will be going on to another motion, which is to Recede and Concur. Thank you, Mr. President.

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

Senator **GOODALL**: Thank you Mr. President. Men and women of the Senate, I rise today acknowledging that, obviously, this has been a wide ranging debate, covering many areas, and I appreciate the good President for allowing us some leeway in that debate on this motion. I do support the underlying bill. It is necessary. I was unable to vote at the time it left committee and the committee worked very hard. However, I share the same frustrations that probably almost everyone in this room does in regards to the timing and potentially the lack of a public plan on how we're going to potentially pay for the liabilities, whether they are $250,000 or whether they are closed at $17 million or going even higher. That being said, this, today, is about saving union jobs in the Millinocket region. It's extremely important that we put one step in front of the other and help out the Chief Executive and give him only the authority to acquire it. The burden is going to be on his shoulders to put a plan together to appropriately pay for it. Now we're going to have the opportunity to potentially influence solid waste policy and this landfill in the near future. There are great challenges there. The marketplace is one of them as well as the geographic location of this landfill. That being said, our focus today must be on giving the Chief Executive the tools to save those jobs. I want to thank the hard work of everyone that has been put forth here; the committee, the Chief Executive, Congressman Michaud, and others. There are environmental concerns. Those have to be addressed. From time to time we work extremely hard in this legislature, as we did last year with the railroad, to save jobs. Now of course those aren't apples and apples, but at times this is necessary and it's going to be extremely necessary for the Governor to work hard and use those private sector negotiation skills to have a deal put in place that protects the state of Maine and saves jobs in the Millinocket region. I, too, will be supporting this motion only for the same reasons as the good Senator from Cumberland articulated. The underlying bill must be passed, in my opinion, but at this point it does not harm to have a debate on a motion. I disagree with some of the points made by the good Senator and friend from Penobscot, but I think we need to focus on what this bill is. It's limited to saving the jobs. It's limited to giving the tools necessary to the Chief Executive. Based on what's in place with the license and also the practicality of moving forward and changing any licensing, it is going to take time. We have to ability to address that in this legislature next session. I appreciate the time, Mr. President. Thank you very much.

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

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, we had a guest in our caucus yesterday and he spoke about the tear in the cover of one of the cells in the landfill and said that when it rains, especially during heavy rains, that particular cell leaked and that it was a big problem. I'm confused because I would like to know if anybody else had heard Mark talk about the tear and that this particular one needed to be repaired

because all kinds of toxic materials came out through the cell when it ran over. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider to Recede. 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 (#263)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFSKY, GOODALL, HILL, HOBBINS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

NAYS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **SCHNEIDER** of Penobscot to **RECEDE**, **FAILED**.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Franklin, Senator Saviello 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 (#264)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HILL, HOBBINS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senator: WOODBURY

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **SAVIELLO** of Franklin to **RECEDE** and **CONCUR**, **PREVAILED**.

Joint Resolution

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

The Honorable Robert L. Couturier, of Lewiston, a longtime attorney, Androscoggin County Judge of Probate, former mayor of Lewiston and former member of the Maine State Senate. Mr. Couturier was born in Lewiston and earned a bachelor of arts degree in government from Bates College. He received his law degree from the University of Maine School of Law in 1970. Mr. Couturier taught school for 4 years, was elected Alderman of Ward 5 in Lewiston in 1964 and went on in 1965 to become the mayor of Lewiston, the nation's youngest mayor at the time. In 1967, he was elected to the Maine State Senate. Mr. Couturier also served 10 years as Lewiston Police Commissioner. Mr. Couturier was serving his 3rd term as Androscoggin County Judge of Probate at the time of his passing. For many years Mr. Couturier was involved in the Franco-American community of Maine, serving as General Counsel and Secretary General for L'Association Canado-Americaine and as a member of Le Conseil de la Vie francaise en Amerique. In addition, he was recognized by the government of France by being named Chevalier de l'Ordre des Arts et des Lettres. We acknowledge his dedicated commitment to his community, to his heritage and to the State of Maine. He will be greatly missed and long remembered by his family, friends and those whose lives he touched;

HLS 598

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 rise today to honor Robert Couturier of Lewiston who died last week. Mr. Couturier was a long time attorney and a Androscoggin County Judge. I first met Mr. Couturier some years ago when I became a guardian for an individual who has a developmental disability. He was just so kind and he actually took the time to celebrate with us and to stand for photographs after the transaction was done. I would just like to point out a few of his extraordinary accomplishments in his lifetime and his contributions to the Lewiston/Auburn area and, indeed, to the state of Maine. He was a former Mayor of Lewiston and a former member of this Body. Mr. Couturier was born in Lewiston and earned a bachelor of arts degree in government at Bates College. He received a law degree from the University of Maine School of Law in 1970. Mr. Couturier taught school for four years. Was elected Alderman of Ward 5 in Lewiston in 1964 and went on in 1965 to become the Mayor of Lewiston, the nation's youngest mayor at that time. In 1967 he was elected to the Maine State Senate. Mr. Couturier also served 10 years as the Lewiston Police Commissioner. Mr. Couturier was serving this third term as Androscoggin County Judge of Probate at the time of his passing. For many years Mr. Couturier was involved in the Franco-American community in Maine, serving as General Counsel and Secretary General for L'Association Canado-

Americaine and as a member of Le Conseil de la Vie francaise en Amerique. In addition, he was recognized by the government of France by being named Chevalier de l'Ordre des Arts et des Lettres. L'Association Canado-Americaine and as a member of Le Conseil de la Vie francaise en Amerique. In addition, he was recognized by the government of France by being named Chevalier de l'Ordre des Arts et des Lettres. We acknowledge his dedicated commitment to his community, to his heritage, and to the State of Maine and he will be greatly missed and long remembered by his family, friends, and those whose lives was touched by him, and that was all of us. Thank you, Mr. President.

ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 436

STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

June 15, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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

L.D. 141 An Act To Increase the Retirement Age for New State Employees to 65 Years of Age

L.D. 181 An Act To Promote Fiscal Transparency in State Government

L.D. 542 An Act To Ensure Retirement Benefits for Members of the Maine Public Employees Retirement System

L.D. 1133 An Act To Reform the Maine Public Employees Retirement System

L.D. 1304 An Act Pertaining to Retirement Benefits for State Legislators

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

Sincerely,

S/Sen. Richard W. Rosen
Senate Chair

S/Rep. Patrick S. A. Flood
House Chair

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

The Following Communication: H.C. 202

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

June 15, 2011

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
125th Maine Legislature
Augusta, Maine 04333

Dear Secretary Carleton:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Criminal Justice and Public Safety on Bill "An Act To Increase the Penalty for Sexual Abuse by Certain Offenders" (S.P. 432) (L.D. 1392)

Sincerely,

S/Heather J.R. Priest
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 203

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

June 15, 2011

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
125th Maine Legislature
Augusta, Maine 04333

Dear Secretary Carleton:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Criminal Justice and Public Safety on Bill "An Act To Protect Young Children from Sex Offenses" (S.P. 357) (L.D. 1182).

Sincerely,

S/Heather J.R. Priest
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 204

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

June 15, 2011

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
125th Maine Legislature
Augusta, Maine 04333

Dear Secretary Carleton:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Regarding the Membership of the Midcoast Regional Redevelopment Authority Board of Trustees" (S.P. 54) (L.D. 204).

Representative PRESCOTT of Topsham
Representative HARVELL of Farmington
Representative VALENTINO of Saco

Sincerely,

S/Heather J.R. Priest
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

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, General 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, 2011, June 30, 2012 and June 30, 2013
H.P. 778 L.D. 1043
(H "A" H-636; S "H" S-324
to C "A" H-620)

The President requested the Sergeant-At-Arms escort the Senator from Penobscot, Senator **PLOWMAN** to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **DEBRA D. PLOWMAN** of Penobscot County.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE**: Thank you Madame President. I stepped down from the rostrum for just a moment at this time in our proceedings because during last night's discussion, as the Presiding Officer, I didn't have an opportunity to weigh in. I just wanted to make a few brief comments. I want to begin by expressing congratulations and my heartfelt and deeply sincere thanks to the Senator from Hancock, Senator Rosen, the Senator from York, Senator Hill, and the Senator from Kennebec, Senator Katz, and to their counterparts from the other Body who toiled long and hard for these past months in the Appropriations Committee.

The seeds for this successful conclusion of the biennial budget process were sewn at the outset of this Legislature when we made the affirmative decision to pursue a bi-partisan two-thirds budget and to afford all members, Majority and Minority alike, the respect of full participation in that process. The result is a crowning achievement for this first session of the 125th Legislature: a thoughtful and balanced budget that will bring historic tax cuts for Mainers of all income levels, including dropping entirely from the tax rolls those with the lowest incomes and targeted; smart tax policy that will encourage investment and job creation that Maine people need and deserve; reforms that will strengthen and preserve the State pension system for those who depend on it now and in the years ahead; meaningful and balanced welfare reform; and something that I think has too often been overlooked, the fact that there are no cuts to higher education and increased funding for K-12 education. I would venture that if you looked across this country at what is happening with state budgets, the State of Maine will stand out in that regard in prioritizing and funding our education because we understand that it is a vital and central role of state government and crucial to the future of the state and the people who live here. It is not a budget that any one of us would have written alone, but it represents that very best of bi-partisanship, respect, and reason. The people of Maine will be the beneficiaries of the work of the Chief Executive and of both Republicans and Democrats on this budget.

One final word, another item that could easily be overlooked, but is a tribute, I believe, to the men and women of this Legislature. That is that we have led by example within this budget by reducing our own budget, the Legislature's budget. It's not a modest reduction. It's a real reduction, a reduction of $8.3 million, representing fully 14% of the budget of this Legislature. I believe we are on the verge of something historic and something that, while not one Senator is entirely satisfied with this budget, we can take satisfaction in knowing that this process worked and was a process that was characterized by patience, by listening, by being thoughtful, and demonstrating mutual respect. I want to say that the central role of Senator Rosen, Senator Hill, Senator Katz, and their counterparts from the other Body, most notably the House Chair and the House Minority Lead, played a pivotal role in bringing us to this day and we owe them all a enormous debt of gratitude. Thank you very much, Madame President.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Washington, Senator **RAYE** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Penobscot, Senator **PLOWMAN** to her seat on the floor.

Senate called to order by the President.

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

Senator **HOBBINS**: Thank you Mr. President. Men and women of the Senate, first of all I, too, would like to congratulate the dedication and hard work of the Appropriations Committee and the members of this Body who worked so diligently for the past five months. Special appreciation and respect to Senators Rosen, Katz, and the lead of the committee from our caucus, Senator Hill. We're very much indebted to your hard work. The Appropriations Committee budget is a vast improvement over the original General Fund Budget submitted in January of this year. Although not the intension, the Governor's original budget created divisiveness among Maine citizens. It pitted the public and the wealthy against State employees, teachers, low income Mainers, and labor. The Appropriations Committee, however, worked tirelessly to moderate this divisiveness. The budget in front of you is the unanimous vote of that committee and it moderates and protects Maine's citizens from the extreme measures of the original document. This budget was the product of unanimous compromises. This budget restores roughly $100 million to health and social service programs, thereby avoiding cutting over 100,000 Maine residents from health care and social service programs. This budget, as proposed by the committee, vastly improves the State's pension plan while reducing onerous unfunded actuarial liability by $1.7 billion.

This budget restores funding for at least 3,000 Maine children, elderly, and disabled residents, who otherwise would have lost food assistance and their most basic needs. This restores funding for home visitations, a program that has reduced shaken baby syndrome by 50%. This budget restored, and will restore, funding for low cost drugs for 44,000 elderly and disabled citizens in Maine. The Appropriations Committee, in their wisdom, restored funding for substance abuse services for 1,600 Maine residents that otherwise would have been rationed among three residential treatment facilities following the closure of ten of the thirteen treatment facilities. This bill, as presented to us by the Appropriations Committee, restores funding for heath care for 16,000 non-categoricals, many of whom are homeless veterans and all of whom earn 100% or less of the federal poverty level. Because of the work of the Appropriations Committee, this bill restores Medicaid funding for 12,500 low income parents and children who would have lost access to health care. It is important to note that when health care insurance is denied to low income Mainers, this group uses the emergency departments of our hospitals which provide the most costly care. The result is increased bad debt to hospitals and increased insurance premiums for all Maine insured residents. It is important to note that cuts in Medicaid result in cuts to providers of health care, an important factor in Maine's economy. Medicaid cuts mean significant business and job losses, including hospitals, nursing homes, physicians, and many other providers.

The Appropriations Committee also significantly modified and moderated the impact of the budget on active and retired State employees by eliminating the 2% increase in employee/teacher contributions to the Maine State Retirement System and eliminating the reduction of State contributions. This budget significantly moderates and modifies the original budget by reversing the runaway costs to State payments to the Retirement System by a reduction of $338 million in total payments over the 2012 - 2013 biennials. This budget significantly reduces the substantial detrimental impact of the original budget on 83,330 State employees and teachers. This budget also reduced from the original budget $52 million in tax cuts. We are fortunate that the Appropriations Committee also addressed providing for ADHOC non-cumulative COLAs, eliminating health insurance cost sharing that was imposed on State employees, teachers, and particularly low income retirees. Also this budget eliminates the provision penalizing all State employees and teachers who retire prior to age 65 and restores the normal retirement ages.

This budget probably has something in its body that anyone can hate. There is a provision in it, I'm sure, all of you would say you wish wasn't in the budget. The alternative would most likely be much more divisive. We have proposed in this budget, in the Appropriations Committee, alternatives. If we do not pass this today and enact it, would deprive many Mainers of access to health care. The alternative would severely impact State employees and teachers or require the State to make geometrical increases in payments to the ULA that would deprive funds for all other programs. The alternative would have squandered State resources on those who need them the least. I urge this Body to vote for Final Enactment and I thank again the member of the Appropriations Committee for their dedication and for the legislative leadership for their leadership in getting this budget to this point. Thank you.

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

Senator **SULLIVAN**: Thank you Mr. President. Men and women of the Senate, I rise in support of this budget. Last night I did not and I spoke to the good President afterwards. I want you to know he made me feel extremely good. I said, "I'm not an obstructionist and I will be with you on the Enactment." Instead of

making me pour out my soul for feeling like a betrayal of both his caucus and my caucus, he instead said it was therapeutic for me and I needed to be able to say what I did because there was a lot of skin in it, a lot of flesh in it, for me, personally, and my colleagues and friends I've worked with for 20 to 28 years. Mr. President, I want you to know that last night I went home after here, or I went to where I stay, and called my husband. He was in a pretty good mood because, as you know, he was keeping track of what was happening on the TV. Much more important than what was happening here. He was in a good mood and I said, "Honey, I have found something that's much cheaper than a therapist or anything. Will you install a yes and no button at home? Whenever I need therapy I'll just press no, I'll feel better, and everything will be great." He has no idea what I am talking about, still doesn't, didn't then, and for the 32 years that I've been married he usually doesn't know what I'm talking about. That's okay.

I am proud. I am very pleased with what has happened for many of the people that can afford things even less than I. I am blessed. I have a wonderful husband, a wonderful family, a wonderful son. I'll survive. I just won't be able to eat out as much and that is probably good for you, so I thank you. I want to say to everybody, it is a good budget. Perfect it is not. I've been assured that we're going to do some work on the retirement piece because we certainly have hurt the people that are close to retiring. I would remind you that retired teachers do pay their insurance premiums. We always have paid more than anybody else, other State workers. That's okay. We've taken care of those mentally ill. We've taken care of so many good things in here. Thank you for indulging in my therapy last night. I feel so much better saying therapy rather than obstructionist. I probably will cast this and I am really indebted to all of you here. Truly, I fought until the last moment, but I hope that I'm a good loser because while being a good loser I'm really a good winner and the State of Maine is a good winner. Thank you, Mr. President, for helping me, sincerely, last night. Thank you, men and women of the Senate. I think we're all pretty good in here. Thank you.

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

Senator **DIAMOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, I would just be very brief. I could not let this moment go by without expressing my sincere thanks and admiration for what the Appropriations Committee has done. I'm sure when they first looked at that challenge, I'm sure Senator Rosen, Senator Hill, and Senator Katz all kind of shook their heads and just said, "What is this? What have we been given?" This is a huge mountain to climb, but they did. They climbed it. Not only did they climb it, they climbed it with dignity and with hard work. Looking at things like HHS and taxes and pensions. Last year I remember the Senator from Lincoln, Senator Trahan, as we presented the final budget, actually voted for it. He said the reason he did was because Republicans and Democrats all came together and worked so hard to make it work. That happened again. It happened again because of the leadership you see here today. I wanted to say thank you for that and my admiration for sure. I know what you went through, or a little bit maybe, not all. I know it was not easy, but you made it work. In fact, I think the success of this Legislature really centers on whether or not the Appropriations Committee is successful. I think they feel that burden. They handled that burden with dignity and I'm very proud of them. Thank you, Mr. President.

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

Senator **SCHNEIDER**: Thank you Mr. President. Men and women of the Senate, I will also be very brief. I rise because I just wanted to acknowledge some of the things that are in the package that I find really incredible achievements. Also I concur with the previous statements about higher education, Maine Public Broadcasting, and meeting the needs of the most in need. I think they have achieved that in this budget and I want to commend those on the Appropriations Committee for doing that. I'll respectfully disagree with our leader about the tax package. I have grave concerns about that and I have grave concerns about the way we've left the retirement. I'm very pleased to hear that with this work, regardless of whether we put an amendment to address another review of the retirement situation, there was a commitment in this Body to undertake that work and to go back and try, when we can, to fulfill those promises that we've made in the past. There were some statements made last night and I really thought about those statements because sometimes people are not privy to historical information about what happens here under the dome. I've been very fortunate.

Most of my time here, and this is my last term here, I've been very fortunate that we've had bi-partisan, unanimous budgets. Whether the Democrats have been in power or the Republicans have been in power, around that horse shoe in the Appropriations Committee we've been very fortunate to have thoughtful, caring people who have worked together really, really well. They have achieved a bi-partisan, unanimous budget. That said, there have been people who have chosen, for their own reasons and their own convictions, not to support the unanimous budget work that was done at that time. I have decided to go back to roll call votes just to mention, so people understand, that there is nothing wrong for those people who stand against this budget. If they feel compelled to do so, they have every right to stand in opposition for those reasons. I just wanted to let you know that in 2009 there were two who were in opposition to a unanimous committee report, which was Nass of York and Smith of Piscataquis, in this Body. Two years previous to that, I remember it clearly and if I couldn't count so well I probably would have gone on the no as well because of the school consolidation. I don't know the motivations of the others, but I was tempted to be a no as well. Gooley of Franklin voted no on a unanimous report. So did Nass of York, Raye of Washington, Sherman of Aroostook, Smith of Piscataquis, and, the most interesting of all, Minority Assistant Weston of Waldo.

I think we all have our values and we have to stand up for those values regardless of what they are. Somebody asked me what I was going to do on this budget. I said there's a lot that I have heartburn over, I have concerns over, but because, for me, I believe that the people of Maine are looking to us for collaboration, for working together, and to send a strong message to the next person who must either sign or not sign or put in a drawer to become law that we support this budget. I will be supporting the pending motion. I think they are looking to us for our leadership regardless of who is in power under the dome. They don't want us to close State government down and create chaos. They want a budget. I think this is our best opportunity for that. It clearly shows that we work really hard together. We all

fought the good fight for our people. I know that there have been numerous discussions since the budget came out about how best to address the situation and everybody has had input. Is it perfect? No, of course not. I echo those of others here. It's far, far, far from perfect, but it's the best we could do given the circumstances. I want to congratulate the people on the Appropriations Committee. I tip my hat to you. I think you've done just outstanding work and I thank you all for that work. I hope you will join me in support of this budget. Thank you.

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

Senator **ALFOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, I also rise today with the utmost respect for Senator Rosen, Senator Katz, and Senator Hill. Together, our three Senators worked for months, navigating through the toughest budget in recent history. The committee had to deal with a complex puzzle of large policy ideas, massive budget changes, and, let's not forget, an unexpected change package which could have been a budget in itself. I believe, in the end, the package is better than anyone could have predicted. They took an unworkable budget and made it much better. For that I am thankful. As the Democratic Lead on Education, I'm also especially grateful that funding for K-12 and higher ed remained a priority for the Appropriations Committee and the Governor. However, I'm not without my opposition. I cannot stand here and ignore what this budget will do for future Legislatures, for future budgets, and for the State of Maine. It appears that this budget was used to push significant public policy goals, including policies that will create huge budget deficits in the future. I fear, and let me say this again, I fear that this budget could be used to starve and shape government in the future. This two year budget calls for $151 million of tax cuts. Let me be clear, I'm not opposed to tax cuts. I am, however, opposed to these tax cuts at this time. I'm opposed to giving the majority of tax cut dollars to Maine's wealthiest while our middle class got little. I know I'll hear, and we've heard from our good colleagues across the aisle, the merits of trickle down economics, but all it takes is reading a page out of our history books to see that trickle down economics will not empower the middle class nor will it stimulate the economy like you say. Yes, I appreciate the simplification of the tax code, but I believe the state of Maine is going down the same wrong headed path that our federal government went down with their tax cuts. Those similar tax cuts did almost nothing to create jobs and have made our federal budgets much more difficult to balance. In Maine, I fear, the story will be worse. These tax cuts will have massive implications for our future. In our next budget, the 2014 - 2015 budget, the tax cuts will be close to $400 million. That's $400 million that we know we won't be able to invest in roads, education, health care, and the innumerable services to Mainers. Not only are these tax cuts assisting the wealthiest Mainers disproportionately, it's also coming at the wrong time. My biggest concern is that these tax cuts will hamper Maine's current obligations to our people.

Our future budgets will struggle to find the necessary investments in education, transportation, and taking care of our elderly and young people. I understand the temptation to only deal with what's right in front of us, but our job is to think long term, not budget to budget with blinders on. Maine's future growth and economy depends on a skilled workforce. We all, in this Chamber, talked about jobs. We all, in this Chamber, talked about growing our economy. The link between the two is education. Businesses are demanding higher skilled workers, but, by adopting this biennial budget, we are admitting that we are not putting our money where our mouth is. We're not prioritizing the investment in education. The voters mandated that we fund K-12 at 55%. We have yet to do so. Interestingly, maybe coincidently, in the next biennial budget the proposed tax cuts of $400 million is exactly the amount that we need to fund K-12 fully. Next is higher education. Currently today, in the state of Maine, our higher education funding is the 44th lowest in the country. Underfunding education, whether it's at the K-12 level or higher ed, will do nothing to improve our skill base of our workers nor give confidence to businesses to stay here, incubate here, or relocate here.

I understand that during these economic times we're all being asked to tighten our belts. Hard choices had to be made. However, promises didn't need to be broken. We spent a lot of time here talking about our obligations to hospitals and such. Where was that same obligation and commitment to our retirees and our current State workers and teachers? I do appreciate the changes that were adopted, that improved our original proposals for the State retirement system, the State health care system, and the compensation to our State employees. However, this budget has broken a promise. We told teachers and State employees that we would protect their retirement. Many of our current retirees have already fulfilled their end of the bargain. It seems especially unfair to renege on that contract. To the retirees whose lives will be impacted by these changes, I want you to know that we worked hard and in good faith to restore the State's promises to you.

It is with a heavy heart that I will vote again in support of this budget. Again, the Appropriations Committee did an amazing job, but this budget handcuffs our long term flexibility and squeezes our obligations for success and prosperity. I can say that neither side of the aisle is satisfied, so perhaps it is simply the best we can do. Thank you, Mr. President.

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

Senator **BARTLETT**: Thank you Mr. President. Let me begin by extending my appreciation for the truly extraordinary work of the Appropriations Committee and Leadership in putting this budget together. I've nothing but the greatest respect and admiration for all three Senate members of the Appropriations Committee. They worked tirelessly and they took a very bad starting budget and made it infinitely better. For that, I am very, very grateful. At the end of the day, though, I feel I cannot support this budget for three primary reasons. First, in my view, the cuts to the retirement system are simply too deep and the savings are not being used to go directly back into the retirement system. We made a commitment to our State employees, many of whom committed their entire careers to us and to the people of the state of Maine. In my view, this budget does not honor that commitment. Secondly, the tax cuts are unfairly balanced in this budget. I believe we are giving too much to those who need it least. Thirdly, there is a significant tax increase in this budget. There is $20 million that is taken from the circuit breaker program which provides property tax relief. In my four campaigns, the tax I've heard the most frustration and anger about is the property tax. What we've done is raise the property tax for people who can afford it least. Many of the people who benefit from the circuit

breaker program are senior citizens. They are going to be denied that additional tax relief. For those people, this is a huge tax increase at a time when we are giving big tax cuts to others. I think it's wrong. I think we have an obligation to protect the least among us first or at least make sure, as we are distributing benefits, we are doing it in a fair and reasonable way. It is for those reasons that I will be opposing the pending motion.

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I'll try to be brief also. I said last night that I was very indebted to the Appropriations Committee. Nothing has changed in that regard because I quite honestly feel that they started out with such a draconian, mean spirited budget and to get to where they were was a huge victory for everyone in the state of Maine. My feelings haven't changed. The budget has provisions in it to deal with legal immigrants to the state, taking away benefits for legal immigrants. It seems like the policy of this state is changed to bring in more foreign workers that don't have legal status in Maine. I don't quite understand the hypocrisy of that. There is a provision to find $13 million in savings in the employee health and benefits. Those savings are going to come out of cuts to the health insurance for State workers. That's going to compound the cuts that we've made to State workers. Like I said last night, it's the retirement fund. I have sat on the Labor Committee for nine years now. We had jurisdiction over the retirement fund. We knew that those payments were ballooning because of the constitutional amendment. We also knew that the problem with the unfunded liability is not a problem for current State employees, or any State retiree in the last 20 or 30 years. That's all problems that came from far back Legislatures. While it is our responsibility, it certainly is not those current retirees and current State employees fault. To put that all on their back now is unfortunate. I just can't do it. I said it last night. I live at the very far end of the road on Route 161. I can hear the trucks going by early in the morning. I can hear, in the wintertime, those plows going by at 2 o'clock in the morning. I hear those plows going by. It's very distinctive. You hear that plow scraping on the road. I hear that on Sunday nights. I've heard that on Christmas. I just can't believe that there are people out there making sure that the roads are safe for me and my family on Christmas when I'm sitting there watching my kids unwrap their presents. That's dedication. That's dedication for $19,000 a year retirement. I just sat here and figured it out. That's $1,583 a month. Where do you go with $1,583 a month to run your home? Really, if people think that's living high on the hog, I just can't get over that. I said it already, the Appropriations Committee did do a great job. My vote is not anything against all the hard work that they put in because I know they did. Like I said last night, I'm just not able to do that to those hard working people. They worked for it. They are not the slackers that people talk about. They put their time in and they put their time in admirably as far as I'm concerned. Those teachers that taught us all. I'm just not willing to do that.

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

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

Senator **DILL**: Thank you Mr. President. Men and women of the Senate, I rise also opposing the pending motion and also with gratitude to the committee that passed the unanimous budget. I thank them deeply for their work. I know that there is sort of a practice and a protocol here to uphold unanimous committee reports as a sign of appreciation and respect for all the work that was done. I think it's important that we recognize that this budget isn't about us. It's about the people of Maine who pay the taxes that support this budget and the people of the state of Maine who this budget is going to impact. The people who are opposed to the budget are giving voice to those people who are plowing the roads up in the Allagash and to those people who are bearing the brunt of the policies and the moral statements that are set up in the budget. The concerns I have are very similar to the concerns of the Senators who spoke previously. The pension is a prime example of the little guy being stuck with holding the bag. The pension is a sound pension system that has been responsibly managed and that was 74% funded until the 2008 recession, which we all know wasn't caused by State employees or public unions. That was caused by a worldwide economic collapse because of speculative investing and all kinds of securitized, mortgages and all that. Because of the decline in the market, we do have to meet our obligations with that regard. This budget goes beyond that. The budget goes beyond making up for the 2008 recession. The budget goes beyond paying what we owe to keep our unfunded actuarial liability payments current. It goes beyond that to pay for tax cuts. It's for those reasons that people who are opposing the budget feel so strongly. We're not only creating future deficits, but we're giving tax cuts to people on the backs of our public employees. Our opposition to this budget is giving voice to those people, saying this isn't right. Yes, I applaud the work of the Appropriations Committee. I respect the work that has been done. I congratulate all of you on accomplishing a budget, but I stand very solid in my commitment to give voice to those people who this budget is going to adversely effect. I thank you for your time.

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

Senator **TRAHAN**: Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in an attempt to ease the burden of the consciences of the people that are concerned that the tax package is unfair in some manner. Before I begin that, I would like to thank the Appropriations Committee and Leadership for their tremendous effort in getting a two-thirds budget that I believe is going to be both historic and change the course of this state in a positive direction. I'd like to talk about the tax package for a moment and tell you a little bit about the history. This issue around tax cuts or the tax package out of the Taxation Committee took us several months to put together. What we tried to do, the majority of the committee, was to try to distribute tax cuts in a fair and equitable manner, in a way that would also protect jobs and put money into our economy, especially into the hands of the most vulnerable of our citizenry. I'm going to review some of the items in the tax package, not all of them because I don't want to prolong this into the afternoon with details. This package does

some structural and fundamental changes to our income tax structure. One of those that I believe effects the poor and the middle class in a very positive way is that it changes the policy of taxing the first dollar of income and creates a 0% bracket. We eliminated the 2%, 4.5%, and 7% brackets and established a flat 6.5% rate. What that does is puts about 70,000 filers or families right off the tax rolls. That is some of the poorest, hardest working people in our state and some of the most vulnerable. That was not a mistake. That was intentional. We also, in the Taxation Committee, plugged significant amounts of dollars into State workers, the middle class. Maine Revenue Services conducted for me an analysis of typical State workers. The average tax cut in this proposal is a little over $200 for an individual. In most cases, all of them, the tax cut for State workers and the middle class is significantly more than everyone else. For the average State worker, beginning at an income of $60,000 as a family, the tax cut averages $280. When you get to $71,000 of income the average is $472. I think that we did a good job in intentionally trying to minimize any changes to the pension system for State workers. The other change in this package that was significant, one which was mentioned earlier, is the circuit breaker. The circuit breaker is divided into two segments. There is the senior piece, which received no cuts, 100% benefit for seniors under circuit breaker. There is another piece that addresses everyone else. That program did receive a 20% cut, but it was not done in this budget. It was a piece that was carried forward from the previous budget. A piece that was established under a different Administration and a different Legislature. Our Taxation Committee clearly spelled it out, that tax reform and property tax is not done. We fully plan on bringing the committee in this Summer to do significant property tax reform.

The other piece of this budget that has been claimed to be giveaways to the rich is the estate tax piece. I know it hasn't been mentioned here. This was never a giveaway to the rich. The most significant lobby for the estate tax changes were the Farm Bureau and the Maine farmers. For those that understand farming, most farmers are land rich and money poor. They have significant amounts of equipment, old farm houses, and sometimes thousands of acres of land on which they farm. A $1 million exemption under previous law, if a person's estate was worth one million and one dollar the State applied a 41% tax to that entire million and one dollars. When a family wants to pass on a family farm, and they have incomes that are so low, it is virtually impossible to pass along that farm or small business. This was never intended to be a giveaway to the rich. This was about saving Maine farms and small businesses.

The next item. I'd like to talk about just a few of the items that were in the tax package that I believe were not giveaways to the rich, but actually sustain some of the longest traditional industries in this state. One of the exemptions was for commercial fishing, sales tax paid on fuel for fishermen. This industry, as we know, is on the edge and we could lose it. This was one small way in which we could help save our fishing industry and the Portland Fish Exchange. This was a promise that I made to my best friend just before he died. I said that I would, as Chair of the Taxation Committee, do the best I could to save the Portland Fish Exchange where he worked for most of his adult life. There is an item in here for the exemption on the meals tax paid in retirement facilities. This is not a giveaway to the rich at the expense of the retirees or the elderly. As a matter of fact, this is a safety net for them. When they've lived a lifetime, and then have to retire with some level of support, this allows them to keep a little bit more money in their pocket to help them pay for their meals. Exemption on bags provided in redemption centers. These are the little tiny businesses all over the state of Maine who are right on the edge. Can you imagine one nickel at a time trying to make your living. These little redemption centers, this was about saving them and about saving their little businesses in your communities. Income investment in fishery infrastructure. This is about hatcheries and our waterfronts. This is about allowing an incentive for private investment and saving the Maine fisheries. This is about our hatcheries. This is about rural jobs and our rural economy. Finally, one last item I'd like to mention is about tax exemption for aircraft and parts. As we know, we lost the Brunswick Naval Air Station. This is about saving what's left of the opportunity to safe jobs in Brunswick. This is about bringing an industry, an aircraft industry, that could provide significant manufacturing jobs to this state. This was not a giveaway to the rich. This was about saving Maine jobs. This was about hope.

I hope this makes you feel a little bit better about this tax package. I'll submit to you that tax reform is not done. We have much more work to do, but I think we can all be proud of this tax package. 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, colleagues and friends, first of all, last night I didn't get a chance to thank the Appropriations Committee. Senator Rosen is a wonderfully honest man. Hard working, totally dedicated. I served with him in the House. He has never changed one iota and I really respect his ability as Chairman. Senator Katz from Augusta also did a great job. Senator Hill from York, I've got the utmost respect for you. For the House members on the committee, I've always said there's no way do I ever want to be on Appropriations Committee because so much rests on what you do.

First of all, I will say like my colleague from Aroostook, I think where you had to start was probably the worst thing in the world given the proposal that you had to work with. As Governor King's project of having lap tops for kids in schools was his biggest number one thing, I think having a tax cut is probably our Chief Executive's number one thing and he'll probably go down in history for being able to do this and it is historic. The reason I'm going to be voting against this is actually because of the historic tax cut proposal within the budget. This is the first time in my nine years in the Legislature that I've voted against it. I think one of the Senators from Cumberland had brought forth last night a proposal that really made an awful lot of sense to me and has in the past, being an economist. I think the other Senator from Cumberland, Senator Alfond, actually took away most of my thunder because he eloquently spoke about basically where I was coming from. We have tax cuts without swapping the revenue one way or another. It's got to come from somewhere. Maine being a poor state with limited revenue, it happens to come on the backs of teachers and State workers. At 19 years old, in the paper mill in Rumford, the first contract we had, my union official asked me if I wanted to have higher wages. I actually said no, that I'd rather take lower wages and a little bit more in the pension. He said, "What are you, nuts?" I said, "No, because right now I'm single. I really don't need the extra money, but if I can get the same amount of money when I retire, that would be

my objective versus having a little extra right now." I remember the old guy saying to me, "Man, either there's something wrong with you or you're way ahead of your time." When someone takes a job the number one thing they really look at, if they have any sense at all, is what they are going to get when they retire.

Throughout this whole legislative session many times it was brought up that we have a moral obligation to pay our bills. We said that we were going to have the moral obligation and put extra money into a bill to pay our salt shed debts. We have a moral obligation. I remember I stood up then and said that I agreed with that and that we do have a moral obligation. I hope you stand with me today and make sure that we pay the moral obligation that we have to our teachers and State workers because the pension, that we basically were allowed to rob from, is something that people have been putting into for years, their whole working careers. I know I've paid into my pension with deferred wages at my paper mill for 31 years and I'm hoping that my pension is going to be there. I guess, just like we are now doing, maybe my company will decide to do the same thing to me. I hope not, but I'm banking on that fact.

I've stated before that one of the problems we have in the state of Maine is a lack of revenue. I know my wife has told me many times that if I get reduced hours at work I'm going to have to find some more means of making sure we have the money to make our budget. I went back and asked the law library to figure out how many tax cuts we've had over the last 11 years. I think, combined with this year, we've given tax cuts to around 55 or 60 different entities. Every time I think of a tax cut, for me, it would be taking an hour away from work. Instead of having 40 hours of pay I'm going to have 39, then 38, then 37, and then 36. I'll tell you one thing right now, that extremely ultra conservative woman that I am married to, and God bless her soul because she's helped make me the person I am, would say that we need enough in order to survive. I think the Senator from Allagash actually said $1,583 a month. Who can live on that? I know my vote here today, with the 33,600 in my Senate District, probably 39% of them are going to be extremely mad at my vote, but I think about 61% of them either will be happy or will at least understand where I'm coming from. When I told most of the people that had said, "I'm not against really cutting the teacher's pensions," that their pension was really like Social Security and that they don't get both, they said to me, "Oh my God, you're not really going to cut their Social Security?" I said, "No, I'm not, but I think there will be those that are." I told them, "Folks, you've got to understand what's happening here is happening throughout the United States of America and there are hundreds of people in Washington D.C. that are going to go after your Social Security. How are you going to like that when they take some away from you, when they freeze your Social Security for year after year?" They said, "My goodness, I understand what you're saying now." That is the masses, not just one or two. Everyone that I talked to and said this was not their Social Security and it was their pension.

The moral obligation is for us to pay our bills. I have always said that the number one, most important, thing to me is to pay for people's pensions, and I hope mine is there. I understand that the citizens of the state of Maine baulked up when the last tax package, which was revenue neutral. You put something in there like you're going to charge them a tax on labor on their automobiles. One other thing, the two most egregious things that if we're going to do tax cuts, and not find a revenue or shift a revenue from somewhere else, it's coming at the expense of someone else. This is just one thing that I can't do. I can't look at the teachers. I can't look at the State workers in good faith. I will say one thing, the budget you brought forth, under the conditions that were put upon you, you did a masterful job. Although it's not going to get my support, I'm thankful for the job that you did and for the outcome that we had because the losses could have been huge. The compassion shown by all of you touched me. I was able to testify on an issue that got cut down in Appropriations, but you treated me with immense respect. You really listened and at least discussed the issue that I brought forth. I want to thank you all for that. Thank you very much, Mr. President.

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

Senator **WOODBURY**: Thank you Mr. President. Senate Colleagues, it does pain me to vote against a collaborative compromise budget as this one is because it was such an admirable process. I've spent more of my legislative career working on pension reform and tax reform than any other issues. The solutions put forward in this budget are just not consistent with what I believe are primary priorities in those two policy areas should be. In pension reform, there is no doubt we need a substantially revised system. The problem I see with the reforms that have been enacted in this budget are that all of the weight of the change is being placed on years of service already completed and particularly on people who are already retired or on the eve of retirement while years of service going forward for current employees are largely unchanged from the current system. I just think it's a weighting that is not as it should be in conducting a very significant pension reform. That's the pension reform area.

In the tax reform area, I think the key economic disincentive in our tax policy is our top rate, our top income rate of 8.5%. To have put in place a policy that reduces revenues so dramatically, this is a significant tax cut and that's not a bad thing, but to have done that while only addressing the top rate from a level of 8.5% to 7.95% I think has missed the core of what we should be trying to accomplish. A system that targeted that objective more specifically and at the same time we weighted our system away from income taxes and towards consumption based taxes, I think, would have been the right kind of tax reform.

As much as I really admire the process that led us to this point and admire how much improved this budget is from where it began, with the two policy areas that I've worked hardest on and care most about, I just don't think it's quite right. That's the reason that I'm not going to be supporting the budget. Thank you.

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

Senator **GERZOFSKY**: Thank you Mr. President. Ladies and gentlemen of the Senate, this is actually the first time I've ever said this. This is a bill that I wasn't going to get up and speak on, but I felt compelled to. I was sent here in the Fall, like the rest of us, representing a community that was looking at the eminent closure of a naval air station, the eminent loss of 5,000 citizens and 5,000 jobs, at a time when we had been dealt a harsh blow in our economy, at a time when some might say Wall Street sent us some lemons and we had to turn around and not only make some lemonade but I'd like to say we made some lemon meringue pie to go along with it. I think that a bill came to us in the Winter months, when it was nice and cold, that I believe was very

tarnished and had a lot of patina on it. It came through the process of the Legislature and the great work of the Appropriations Committee from members of both ends of this building and both parties. They tried their very best to take some of that patina off and to shine it up a little bit. There was a time when I couldn't find my way to vote for it, but I knew at the time that Governors get to propose and Legislatures get to dispose and that we'd all have a say in the final outcome. I think there are parts of this budget that are very, very difficult. Very difficult for the people that live not only in my community but throughout the state. I also think that there are some extremely bright parts of this budget that are going to address some of the things that my friend Senator Trahan mentioned. Creating an industry and trying to get some jobs created. I think that was a moment of brilliance. Bi-partisan as it was and collaborative as it was. There are consequences to everything. There are consequences to our votes. There are consequences to elections. There comes a time when we have to man up, suck it up, and vote for some budget that we might not have all been terribly happy with. I don't think there is a person in this Body that wouldn't find things they would like to change. There are also parts of this budget I think everybody in this Body will find very helpful and very useful for the people of Maine going forward. I think that it's going to be this Body's responsibility to go forward and, where we find those dips and valleys, to try to work in a bi-partisan way to try to get past those valleys that we might encounter because many of us are worried about the economy and the future. Together, working in a bi-partisan and unified way between this Body and the other, we should be able to muster the resources to make that lemon meringue pie just a little bit heavier in the lemon and a little less in the meringue but have a good time eating it. Mr. President, I want to thank you personally. I want to thank the Appropriations Committee especially. I want to thank everybody in this Body and the other for working together in trying to come up with something that I can at least vote for and go home and be able to talk to my constituents and explain to them how we got to where we are and to be somewhat relieved that we got together and did something in a positive fashion. Thank you very much, Mr. President.

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

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, I rise in support of the pending motion. I also think that the tax cut is unfortunate, not because I don't believe in tax cuts actually, but because of the tail that's on this one and by the year 2013 and 2014 we're going to have a long tail of about $400 million. I should reiterate my appreciation and gratitude as well for the Appropriations Committee. Even when I wasn't there my heart was there. I felt very much connected to them. The unanimous report does not increase an employee contribution of 2%. These are unanimous reports. It increases retirement age to 65 only for non-vested employees and new hires. It eliminates merits, freezes longevity, for two years. Money will not be taken from people's checks. The one thing that really makes me feel better as well is the freeze for retiree's COLAs for the three years. It freezes the COLA for three years, but provides an ADHOC COLA in the second and third year of the freeze in a cascade. I think that's very, very important to my constituents. It does cap the COLAs at 3%. Really what excites me the most, and the reason that I'm voting for this budget, is the unanimous committee report on Health and Human Services. It really reinstates almost all of the Fund for a Healthy Maine that I was heartsick about, worrying about losing. It does eliminate coverage for the non-categorical childless adults. They are the most needy. They live under 100% of poverty. They are the sickest residents that we serve. It does not eliminate coverage for parents of children and families making between 133% and 200% of the federal poverty level. It does not impose a 4% family premium on Cub Care, Medicaid buy in, and home based care for homemakers. That really also pleases me because it makes such a big difference to my constituents. It grandfathers TANF food supplements and SSI for legal non-citizens currently enrolled. We'll see, we're going to work on new immigrants to our state hopefully down the road. It eliminates TANF for convicted drug felons. I'm not going to go into all of those things. I think that the unanimous report out of Appropriations for the Health and Human Services requests were just phenomenal. I am grateful and would ask for your support as well. Thank you, Mr. President.

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

Senator **GOODALL**: Thank you Mr. President. Men and women of the Senate, I rise today to give just brief comments on the budget. I will, too, be supporting this budget. It was very challenging for me to come to that decision after looking over all the pros and cons of the great, large document. I do want to say thank you to the Chair Senator Rosen and the good Senate members, Senator Katz and Senator Hill. There are many things in the budget that have been put back in that were originally proposed to be taken out that were important to my district and my constituents; things such as revenue sharing and health and human services, many components that the good Senator from Androscoggin just articulated, and many components of State employees and teachers and retirees. However, I struggled mightily over what was not restored. At the same time, the good Senate President from Washington remarked that process works, that there was bi-partisan support, and a unanimous report. I think that has a lot of value. We also cannot forget the totality of our actions in this Body over the course of the whole session and we should remember next year and keep looking back at what the budget has in it to make sure when we're voting on new proposals in the future, or even ones in the coming hours, that many people are making sacrifices or, frankly, having those sacrifices put on them by us, and we should keep that close when we make our future decisions. I would hope that we would stick together and support this budget today and in the future. It's not perfect. It is often, as many people say, that a good negotiation is when no one walks away happy. That is definitely the case today, but, based on how far we have come from what was originally proposed, I've decided to support this budget. Thank you, Mr. President.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, I just want to briefly repeat a couple of things I said last night with respect to the impact of this budget on State employees and teachers. I would remind everyone that there is no change whatsoever in the benefits structure for either current retirees or current employees. I'd remind people of the changes which were proposed, considered, and rejected. A proposal which would

have forced all employees to decide whether to retire by January 1 or have to pay their health insurance until age 65 is gone. A proposal which would have given every State employee another 2% assessment on their salaries to help fund the unfunded liability is gone. A proposal which would have limited cost of living increases to 2% is gone. A proposal which would have forced State employees, or at least some of them, to pay for a portion of their health insurance is gone. A proposal which would have eliminated longevity pay is gone. The shut down days that State employees have been forced to live with are gone. What is left is a bi-partisan, 13 - 0, compromise that none of us feel terribly good about, but that we had to do in order to deal with the huge unfunded liability problem that was threatening to choke all the services and all of the programs that so many of us have gotten up this morning to talk about. I'm not happy with exactly where we turned out. I wish we could have raised it to $25,000 on the cap. I wish we didn't have to do anything, but this is why we are elected, to have to make these tough choices. These were made by some people I am very proud to have served with, the people on the Appropriations Committee; Republicans and Democrats alike. Thank you.

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

Senator **COURTNEY**: Thank you Mr. President. Men and women of the Senate, I think most of it has already been said this morning. A couple of things. I just want to draw us back into last Winter when we had a new Chief Executive and he had 40 days to submit a budget. That's quite a task. Probably not too many of us will ever have that opportunity to do that. I would like to actually go on the record and thank the Chief Executive for putting forth a vision. We had the opportunity to fill in the blanks and fill in the details and make it workable amongst our districts. That imprint that this Legislature has left on that document, that sends policy forward for generations to come, is absolutely phenomenal. This would not have happened without the leadership of Senator Rosen, the leadership of Senator Hill, and the leadership of Senator Katz. With your indulgence, Mr. President, I'd like to talk about the leadership of Representative Flood, the leadership of Representative Winsor, the leadership of Representative Chase, the leadership of Representative Clark, the leadership of Representative Fredette, the leadership of Representative Keschl, the leadership of Representative Rotundo, the leadership of Representative Martin, the leadership of Representative Webster, and the leadership of Representative Stevens. The work in that committee was absolutely phenomenal. Not enough can be said about that until you sit through it and you live it and you live through that Appropriations process. One of the challenges coming into this session was that the good Senator from Cumberland had raised the bar pretty high last session. We had a $1 billion short fall and he came in and he told the Presiding Officer that he'd be Chair of Appropriations and that they were going to have a two-thirds budget. He kept true to his word. We kept true to ours. We stayed at the table, we fought, we scraped, but we never walked away. We've done the same thing this session. I think it is truly remarkable under the leadership of President Raye that we've been able to do that. We're all in different roles this time around. I am extremely grateful for my colleagues on the other side of the aisle. Senator Hobbins, your leadership is appreciated beyond what words can say. Senator Alfond, you challenge us. Senator Alfond, the cup is half full, it's not half empty. I want to go on record as saying this budget is better because of the contributions of Senator Alfond and the many people that aren't going to vote for this budget today. This budget will have long term pension reform, long term tax relief, long term welfare reform, but it also preserves the true safety net for people in Maine, people that need help that can't help themselves. That is the caring and responsible thing to do. I am honored to be casting my vote in favor of this today. The bi-partisan effort and the bi-partisan support on this budget will stand the test of time. There is something in here for everybody to hate. Let me tell you something, there is much more, we can tell a story to the people of Maine of how we've made their lives better. When you look back at the decisions made, at this snapshot in time, the people of Maine will have been well served.

On motion by Senator **COURTNEY** of York, 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 Enactment. 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 (#265)

YEAS: Senators: ALFOND, COLLINS, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HILL, HOBBINS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: BARTLETT, DILL, JACKSON, PATRICK, WOODBURY

EXCUSED: Senator: BRANNIGAN

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 5 Senators having voted in the negative, and 29 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.

Senate at Ease.

Senate called to order by the President.

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

Senator **ALFOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

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

RECESSED until 2:30 in the afternoon.

After Recess

Senate called to order by the President.

Senator **SNOWE-MELLO** of Androscoggin 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:

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, 2011, June 30, 2012 and June 30, 2013

H.P. 989 L.D. 1348
(C "A" H-622)

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

Senator **COLLINS**: Thank you Mr. President. Ladies and gentlemen of the Senate, before you this afternoon is the Highway Budget. We reviewed it very carefully in committee. However, there are a couple of things I feel as though I should say to the members of this Maine Senate as well as to the people listening at home. For many many years the priorities here in the State House and state government, in my opinion, have been misguided. Priorities have been not on maintaining and repairing our infrastructure, but money has been spent on other things. We're in a situation now, here in the state of Maine, where roads and bridges are starting to deteriorate to a point where there is going to be major money spent to repair them or rebuild them, or replace them. We're at a very important crossroad here in the state of Maine. I'm starting this dialogue today to inform folks back home, as well as members of this Body, that we will have to start to take another look at the priorities of where we spend our money. After all, ladies and gentlemen, this is not rocket science. We have tax revenue coming in and we, as a legislative Body, spend it. It comes down to a situation of priorities. Where do you want to spend the money? Maine has a vast network of roads, highways, and bridges. We have to maintain that. Just recently, for example, in my hometown of Wells they repaved a road, a section of Route 1 which is a main artery going through my town. Some of the citizens of the town of Wells said, "Gee, that road was just rebuilt." Well, it was just rebuilt 25 years ago. As part of the maintenance of that road, to protect the investment of that section of Route 1, it was repaved, all of the time realizing there was another section that needed repaving. Major repaving. Major rebuild. I had to explain to the folks that we have to maintain what we have, that's been rebuilt. Going along the same lines, when you go out and crisscross the state of Maine, the major roads that carry our trucks, motor vehicle traffic, and commuters need to be repaired. They need to be maintained in such a manner as would be attractive to new employers coming to the state of Maine. After all, they look at us, the Legislature, to maintain our infrastructure so they can operate their businesses. That's one of the main things, I think, that industry will look at; our infrastructure and if it's ready, willing, and able to handle the motor vehicle traffic, the rail service, air service, or whatever the case may be. In some cases here in the state of Maine, that condition doesn't exist. I ask you here today, and in future years, let's put our priorities where they should be; that is dedicating additional funding for our infrastructure.

In 1976, one of every $4 of State spending went to transportation. Today that ratio is $1 in every $10. The average state in this nation provides 17.65% of support for state highways in the General Fund. Members of the Transportation Committee, along with many others throughout the Maine Legislature, have tried to create this partnership between the Highway Fund and the General Fund. That's what we have to remember year after year. We have to create this partnership. It's not either or, we have to do it for our own welfare here in the state of Maine. I guess I'll stop now. I know there are other members of the committee who also want to add their comments to this very important budget here in Maine. Thank you for your attention.

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

Senator **THOMAS**: Thank you Mr. President. Ladies and gentlemen of the Senate, I kind of hate to rain on this budget parade we've been having today, but I'm not going to let the Enactment of the Highway Budget go by without voicing some of the concerns I have. Between this budget and the General Fund Budget we just passed, we're neglecting our roads yet again. The original General Fund Budget proposal from the Chief Executive had $20 million for highway capital. That was later reduced to $10 million and then to $8 million with a change in the State Police funding formula, a formula that can't be justified because it's unconstitutional. I have a copy of the OPEGA report in my desk for anyone who would like to see it. We've known for years that this formula needed to be changed. None of these proposals made it through the budget. Some would argue that we need to raise taxes to fund roads. I'll argue that Maine people pay more than they should now in taxes and to raise the gas tax will only provide a bigger piggy bank to fund other programs. Just

last week we needed another position at the computer crime lab, $150,000. That money came from the Highway Fund. When the Highway Table was run today there was yet another request for $350,000 for DNA people at the crime lab. The problem isn't that taxes aren't high enough. The problem is safe roads just aren't a priority. We're getting to the point where many of the contractors that build roads aren't going to be here when we finally decide to do something about the deplorable conditions of our roads. They can't survive when we fail to fund repair work for years and years. I've got a company that is in my district that went all year last year without a substantial contract. They've been in business 65 years. How long do you keep employees on the payroll and how long do you stay in business when there is just no work? They've built some really good roads. They are good people. If companies are gone, and there is no competition, we're going to pay a lot more to get that work done. What we need is consistent funding, year in and year out, if we're going to get this work done at a price we can afford. We could always borrow the money, I suppose. The biggest problem with that is it has to be paid back with interest and fees. If we were making drastic improvements in our roads, then you probably could justify borrowing the money, but we're not. We'd be making an investment, so that investment would be paid back with the dividends of better roads. We're not even keeping up and the roads get worse every year. Borrowing to maintain the status quo is like putting your weekly groceries on a credit card and expecting your kids to pay it back. Then there is the plan to move some money into the Highway Fund when the liquor business is leased again. Based on past history, I wonder how wise it is to count those chickens before they hatch. I hope some of this money does flow to fix our roads, but there are efforts already ongoing to spend that money long before we see any blacktop whatsoever. Think about this. There are places in Maine where we're never going to see any economic growth until the roads are fixed. If our economy doesn't start growing, it's only going to get harder and harder to find the money to pay all our bills; not to mention the fact that our grandkids are going to grow up in places where we wouldn't want to live. I'm going to vote for this budget, but I'm going to need to hold my nose in order to do it. Thank you.

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

Senator **DIAMOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, you've heard a little bit about the Highway Budget, it is $626 million. That's the size of this budget. That $626 million, along with the federal funds, are responsible for 8,800 miles of road. This budget will pave 600 of miles of highway each year for the next two years. I'm proud to say that the Committee on Transportation looked at every initiative and every line in the budget. I don't recall that ever happening, it might have, but not one initiative or line was left out. As a result of that, we have a much better understanding of what we're working with. It is a good budget. I'm proud of what was done with it. I think the point has been made by the previous speaker that we do need to find another way to help fund this. The gas tax is not going to do it. It's like two trains heading towards each other. There's going to be a crash. Eventually, because the fewer miles we drive and the more fuel efficient vehicles we have, there will be less money to the Highway Fund. It's something that we're going to look at and start looking at with a plan. What doesn't work is just to come in and say, "We want $20 million in the General Fund." That doesn't work. What does work is to have a plan on what we're going to do and how we're going to approach it. I think we've seen this session why the latter proposal really doesn't get far, doesn't get much traction. We do need to look at a new structure, but for the time being, and we seem to operate around here best that way, we've taken care of two years. I think we've done so thoroughly with a budget we can be proud of. We'll be reconstructing 63 miles of road in this state, which isn't nearly enough, but it's still a good bunch of miles. I think when all is said and done, we've done the best we could do with what we have, but we do need to find a better plan because each year it's going to get a little bit worse and we'll do just a few more miles less. We need to take that into consideration. Thank you, Mr. President.

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

(Note: Roll Call #266 was recorded and printed in error and is omitted. A roll call vote on Enactment of L.D. 1348 was neither ordered nor otherwise required and has therefore been deleted.)

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Timely Access to Health Care Data" (EMERGENCY)

H.P. 1076 L.D. 1467

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-655)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-655)**.

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

READ ONCE.

Committee Amendment "A" (H-655) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)
H.P. 1089 L.D. 1480

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-656)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY HOUSE AMENDMENT "A" (H-657)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-656) **READ**.

House Amendment "A" (H-657) to Committee Amendment "A" (H-656) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-656) as Amended by House Amendment "A" (H-657) 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:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting
H.P. 387 L.D. 494
(C "A" H-76; H "B" H-565)

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

Acts

An Act To Amend the Maine Medical Use of Marijuana Act To Protect Patient Privacy
H.P. 951 L.D. 1296
(C "A" H-615)

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

An Act To Assist Persons Who May Be Eligible for Social Security Disability Assistance
H.P. 737 L.D. 1001
(C "A" H-619)

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

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

COMMUNICATIONS

The Following Communication: S.C. 437

STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE PRESIDENT

June 16, 2011

Honorable Joseph G. Carleton
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Carleton:

In reference to the action of the Senate on June 14, 2011 in which it Insisted and Asked for a Committee of Conference on L.D. 204, "An Act Regarding the Membership of the Midcoast Regional Redevelopment Authority Board of Trustees" (S.P 54) I am pleased to appoint the following as conferees on the part of the Senate:

Senator Jonathan T.E. Courtney of York
Senator Nichi S. Farnham of Penobscot
Senator Stanley J. Gerzofsky of Cumberland

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Kevin L. Raye
President of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 438

STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE PRESIDENT

June 16, 2011

Honorable Joseph G. Carleton
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Carleton:

In reference to the action of the Senate on June 15, 2011 in which it Insisted and Asked for a Committee of Conference on L.D. 903, "An Act To Allow a Student Attending Private School Access to Public School Co curricular, Interscholastic and Extracurricular Activities" (H.P 662) I am pleased to appoint the following as conferees on the part of the Senate:

Senator Brian D. Langley of Hancock
Senator Garrett P. Mason of Androscoggin
Senator David R. Hastings of Oxford

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Kevin L. Raye
President of the Senate

READ and **ORDERED PLACED ON FILE.**

Senate at Ease.

Senate called to order by the President.

The Following Communication: H.C. 208

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

June 16, 2011

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
125th Maine Legislature
Augusta, Maine 04333

Dear Secretary Carleton:

House Paper 258, Legislative Document 325, "Resolve, To Examine the Representation of Families by Nonattorney Advocates at Special Education Due Process Hearings," 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?"

74 voted in favor and 63 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Heather J.R. Priest
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

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 Impose a Lifetime Maximum on the Receipt of Welfare Benefits"

H.P. 1114 L.D. 1511

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-617).**

Signed:

Senators:
McCORMICK of Kennebec
FARNHAM of Penobscot

Representatives:
STRANG BURGESS of Cumberland
FOSSEL of Alna
MALABY of Hancock
O'CONNOR of Berwick
SANDERSON of Chelsea
SIROCKI of Scarborough

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

Signed:

Senator:
CRAVEN of Androscoggin

Representatives:
EVES of North Berwick
PETERSON of Rumford
SANBORN of Gorham
STUCKEY of Portland

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

Reports **READ.**

On motion by Senator **McCORMICK** of Kennebec, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 209

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

June 16, 2011

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
125th Maine Legislature
Augusta, Maine 04333

Dear Secretary Carleton:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Allow a Student Attending Private School Access to Public School Cocurricular, Interscholastic and Extracurricular Activities" (H.P. 662) (L.D. 903).

Representative PICCHIOTTI of Fairfield
Representative McCLELLAN of Raymond
Representative CASAVANT of Biddeford

Sincerely,

S/Heather J.R. Priest
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

House Paper

Bill "An Act To Provide Further Improvements to Maine's Health Insurance Law"

H.P. 1185 L.D. 1587

Presented by Representative RICHARDSON of Warren.
Cosponsored by Senator WHITTEMORE of Somerset.

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

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Ordered sent forthwith to the Engrossing Division.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (5/18/11) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Reduce Taxes and Promote Employment"

H.P. 524 L.D. 695

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-164)** (5 members)

Tabled - May 18, 2011, by Senator **PLOWMAN** of Penobscot

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

(In House, May 10, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 11, 2011, Reports **READ**.)

Senator **TRAHAN** of Lincoln moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

Senator **TRAHAN**: Thank you Mr. President. Ladies and gentlemen of the Senate, I believe, for the folks that put this bill forward, 90% or more of the intent of this bill has now been incorporated into the budget that we recently passed. Seventy thousand filers were dropped off the tax rolls, most of the people that would have been affected by this bill. At this point I don't think it is necessary any longer and that's why I made the motion. Thank you, Mr. President.

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

Senator **ALFOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, as much as I appreciate the work of the Taxation Committee, what this bill would have done is continue to support those working Mainers get a couple of extra dollars, and sometimes even more, to put into their family's budget so that they can pay for the necessary things in their lives. It's disappointing that this tax credit was not put into a priority list like some other things that we have in the budget and some of the things that were voted out of the Taxation Committee. This was called by Ronald Regan, President Regan, one of the best programs he's ever seen. Every single person who testified at the committee was in support of this, saying that if there's one thing to get people out of poverty, to support working Mainers, it's the Earned Income Tax Credit. It's very, very disappointing that we're here in this place where not only are we not talking about bill but we're indefinitely postponing it.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Trahan to Indefinitely Postpone the Bill and accompanying papers, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

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

Senator **TRAHAN**: Thank you Mr. President. Ladies and gentlemen of the Senate, I do want to address the comments earlier about a road out of poverty, out of welfare. One of the concerns that members of the committee had was that when you create a much larger benefit for people to receive income tax reimbursement above what they paid, you create the very ceiling to staying in poverty that many people feel is necessary. We felt a better proposal would be to wipe out their tax burden altogether. The State would not even collect their tax and they could just keep it and use it in their daily lives.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#267)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, HILL, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, CRAVEN, DIAMOND, DILL, GERZOFSKY, HOBBINS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN

EXCUSED: Senators: BRANNIGAN, GOODALL

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **TRAHAN** of Lincoln to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED**.

(Note: Roll Call #266 was recorded and printed in error and is omitted. A roll call vote on Enactment of L.D. 1348 was neither ordered nor otherwise required and has therefore been deleted.)

The Chair laid before the Senate the following Tabled and Later (6/14/11) Assigned matter:

HOUSE REPORT - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow Alternative Delivery Methods for Locally Funded School Construction Projects"

H.P. 413 L.D. 530

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-613)**

Tabled - June 14, 2011, by Senator **COURTNEY** of York

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

(In House, June 14, 2011, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613)**.)

(In Senate, June 14, 2011, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-613) **READ**.

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-325) to Committee Amendment "A" (H-613) **READ**.

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

Senator **LANGLEY**: Thank you Mr. President. Men and women of the Senate, this amendment is actually the original bill that was filed by the bill's sponsor. We received this bill very early on in our session and, in our zeal and vim and vigor to make it better, we made it worse. We felt pretty good about that until we found that we had attached a fiscal note and a whole bunch of other attachments to it that made the bill actually terrible. All the bill's intention was, at the very beginning, to extend a sunset and that's really what this does. It takes the original piece of legislation and extends the sunset out to 2016. Sorry to have wasted a lot of time on this one, but this makes it right. Thank you very much.

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-325) to Committee Amendment "A" (H-613) **ADOPTED**.

Committee Amendment "A" (H-613) as Amended by Senate Amendment "A" (S-325) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613) AS AMENDED BY SENATE AMENDMENT "A" (S-325)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/15/11) Assigned matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Strengthen Maine's Election Laws by Requiring Photograph Identification for the Purpose of Voting"

H.P. 176 L.D. 199

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-385)** (7 members)

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

Tabled - June 15, 2011, by Senator **COURTNEY** of York

Pending - **FURTHER CONSIDERATION**

(In House, June 6, 2011, 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-385)**.)

(In Senate, June 13, 2011, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, June 14, 2011, Bill and accompanying papers **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS**, in **NON-CONCURRENCE**.)

(In Senate, June 15, 2011, motion by Senator **FARNHAM** of Penobscot to **RECEDE** and **CONCUR, FAILED**.)

Senator **COURTNEY** of York moved the Senate **RECONSIDER** whereby the motion by Senator **FARNHAM** of Penobscot to **RECEDE** and **CONCUR FAILED**.

Senator **ALFOND** of Cumberland moved the Senate **RECEDE**.

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

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

Senator **ALFOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, I would like to pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **ALFOND**: Thank you Mr. President. I would like to understand why this bill is being potentially committed back to committee? During the entire process of discussing this bill, not once did I hear that motion or understanding that this needed more work. My question through the Chair is; why is this bill being recommitted?

THE PRESIDENT: The Senator from Cumberland, Senator Alfond poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY**: Thank you Mr. President. I would love to respond, but I believe we are on the motion to Recede and it would be improper to discuss that.

THE PRESIDENT: The Senator would be correct. The motion before us is the motion to Recede. The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ**: Thank you Mr. President. Just a point of information. I'm not entirely clear what impact of the motion to Recede is. If I could pose a question through the Chair to anyone who might answer. What would this do? Thank you.

THE PRESIDENT: The motion to Recede simply takes us back to where we were. The question may want to be directed to the maker of the motion in terms of the intent. It simply takes us back to where we were and it preempts the motion that had been made by the Senator from York, Senator Courtney. It is a procedural motion. The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT**: Thank you Mr. President. That was an accurate description. We are simply trying to back up from where we were and to make a decision to do something else. It seems to me that regardless of what you want to do with this bill, taking a step backwards does no harm. Thank you, Mr. President.

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

Senator **JACKSON**: Thank you Mr. President. I'm just confused now, too. It's my fault. I guess when I came in this morning there was a Recede motion. I guess I'm unsure what's going on also. I'm sorry, but I thought we had talked on that.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Alfond to Recede. 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 (#268)

YEAS: Senators: ALFOND, BARTLETT, CRAVEN, DIAMOND, DILL, GERZOFSKY, HILL, HOBBINS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

NAYS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

EXCUSED: Senators: BRANNIGAN, GOODALL

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **ALFOND** of Cumberland to **RECEDE, FAILED**.

Senator **COURTNEY** of York moved the Senate **RECONSIDER** whereby the motion by Senator **FARNHAM** of Penobscot to **RECEDE** and **CONCUR FAILED**.

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

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **ALFOND**: Thank you Mr. President. My question is the same question that I asked, I guess improperly, before. My question is; why is this bill being recommitted when, during the discussion of L.D. 199, not once did I think there was more work to be done? I'm trying to understand clearly why this is being recommitted. Thank you, Mr. President.

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

Senator **COURTNEY**: Thank you Mr. President. I would try to answer the question now. With discussions that have been going on, it's my belief that the majority of this Body would like to take another look at this in committee next session.

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

Senator **WOODBURY**: Thank you Mr. President. Is a motion to Indefinitely Postpone this bill and accompanying papers in order?

THE PRESIDENT: Such a motion, I believe, would be in order.

Senator **WOODBURY** of Cumberland moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **COURTNEY** of York, 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 Woodbury to Indefinitely Postpone the Bill and accompanying papers, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#269)

YEAS: Senators: ALFOND, BARTLETT, CRAVEN, DIAMOND, DILL, GERZOFSKY, HILL, HOBBINS, JACKSON, KATZ, PATRICK, ROSEN, SCHNEIDER, SULLIVAN, WOODBURY

NAYS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

EXCUSED: Senators: BRANNIGAN, GOODALL

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **WOODBURY** of Cumberland to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Courtney to Reconsider whereby the motion by Senator Farnham of Penobscot to Recede and Concur Failed. 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 (#270)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, CRAVEN, DIAMOND, DILL, GERZOFSKY, HILL, HOBBINS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

EXCUSED: Senators: BRANNIGAN, GOODALL

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **COURTNEY** of York to **RECONSIDER** whereby the motion by Senator **FARNHAM** of Penobscot to **RECEDE** and **CONCUR FAILED**, **FAILED**.

Senator **COURTNEY** of York moved the Bill and accompanying papers be **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

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

Senator **ALFOND** of Cumberland rose to a **POINT OF ORDER** as to whether the motion to **COMMIT** was in order.

The Chair **RULED** the motion to **COMMIT OUT OF ORDER**.

Senator **COURTNEY** of York requested and received leave of the Senate to withdraw his motion to **COMMIT** the Bill and accompanying papers to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Same Senator moved the Senate **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#271)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, CRAVEN, DIAMOND, DILL, GERZOFSKY, HILL, HOBBINS, JACKSON, KATZ, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

EXCUSED: Senators: BRANNIGAN, GOODALL

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **COURTNEY** of York to **RECEDE** and **CONCUR**, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (6/15/11) Assigned matter:

Bill "An Act To Restore Market-based Competition for Pharmacy Benefits Management Services"

H.P. 828 L.D. 1116

Tabled - June 15, 2011, by Senator **COURTNEY** of York

Pending - motion by Senator **CRAVEN** of Androscoggin to **ADOPT** Senate Amendment "A" (S-314) to Committee Amendment "A" (H-608) (Roll Call Ordered)

(In House, June 15, 2011, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608)**.)

(In Senate, June 15, 2011, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608)** Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (H-608) **READ**. On motion by Senator **CRAVEN** of Androscoggin, Senate Amendment "A" (S-314) to Committee Amendment "A" (H-608) **READ**.)

Senator **McCORMICK** of Kennebec moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-314) to Committee Amendment "A" (H-608).

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

Senator **McCORMICK**: Thank you Mr. President. Men and women of the Senate, yesterday we had some debate on this bill and we had a number of pieces of paper float around our desks making various claims. If I could just briefly speak about what the bill really does, what it doesn't do, and why I feel this amendment is unnecessary. I would appreciate you time. All this bill will do is repeal a subchapter that requires pharmacy benefits mangers, PBMs, to owe a fiduciary duty to their health plan clients that makes PBMs subject to State fiduciary requirements. That is the language that is being repealed with this bill. What the bill does not do is not repeal the separate statute in the Maine's insurance code that requires PBMs to register with the Maine Bureau of Insurance and that makes PBMs subject to market conduct examinations by the bureau. Our own bureau will be still

monitoring and watching these PBMs. The intent is to just encourage more competition within the market and open up some benefits and savings to people who wish to use these PBMs. One example of that; I refer to a letter from our own Frank Johnson, who manages the State Employee Health Plan. This statute that we are trying to repeal with this bill was placed in the statutes in 2003. We are the only state that contains that statute that requires that. We are an outlier. From Frank Johnson, back in 2003, he said that the State Employee Health Plan was engaged in a multi-employer prescription drug initiative called Downeast Prescription to pursue a group purchasing initiative in 2003. A vendor was selected to serve as the PBM and an analysis by a broker retained by the multi-employer group estimated annual savings to the State of Maine group health plan to be $1 million a year. As a result of the group purchasing agreement, they would have saved $1 million a year. Subsequently, legislation was enacted in 2003, this very thing we're trying to repeal, that disrupted the PBM market in Maine. The offer was withdrawn and the Downeast Cooperative Purchasing Agreement ceased. We are simply trying to repeal this statute, we're only state that requires it, and return to an open market system. The PBMs will be monitored and followed by our own Bureau of Insurance. I feel, at this time, we don't need to be replacing other requirements on groups in statute that would do something that is not necessary, I feel, at this time. Thank you very much, Mr. President.

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

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, before I start my speech I just wanted to explain two points that the good Senator from Kennebec has mentioned. One is regarding the auditing. Now the PBMs are going to be doing their own audits. As far as I can see, that's really like having a fox in the chicken house. I also spoke to Frank Johnson and he is very much, as he said, in support of the current law. When I asked him about the $1 million that the Maine State Employees and another organization that had hooked up together to have a $1 million in savings, Frank Johnson told me that they withdrew that initiative when a PBM came into the state of Maine and threatened to sue them, so they didn't go forward with that initiative.

I must admit that yesterday I did not do a good job explaining what a PBM is. I will give it another shot today. Also, I distributed a salmon colored handout of a story that was in the Lewiston Sun Journal this morning about the prescription law facing repeal here under the Dome. I hoped that you would look at that. I think it's a very good piece and that it really highlights what's going on with the PBMs in Maine. What a PBM actually is is a pharmacy benefit management. They negotiate with the pharmaceutical companies to get the best prices possible for government entities, for pharmacies, and especially small privately owned pharmacies, but also the chain pharmacies engage with them for negotiating their costs and for doing business with them. The problem here is with the three big ones who are really having a monopoly all over the U.S. and the three big organizations are Medco, Express Scripts, and CVS/Caremark. They are not to be trusted. I listed some of the fines that they had suffered and some of the activities that they had engaged in. The reason that the current statute is here in Maine, and it was adopted in 2003 at the urging of the then Attorney General Steven Rowe, is that he thought the industry, which was really very much unregulated, should register with the State and disclose their dealings with pharmaceutical companies. He believed that PBMs should disclose the kickbacks they received for promoting certain drugs before doing business in Maine. Maine joined 19 other states in a lawsuit against Medco Health Solutions for violating consumer protections and mail fraud laws for drug switching. Although Medco denied any wrong doing, they paid out $29.3 million in 2004 in settlements. Hence the need for the current laws that prevent drug switching, maintains transparency for the companies that purchase drugs through the PBMs; they are independent drug stores, and state and local governments, to mention a few.

My amendment to this bill simply asks government agencies, municipalities, the State of Maine, and probably the Maine State Corrections not to purchase and not to do business with large PBMs that have engaged in any kind of misconduct in the past three years. Other problems with repealing this law will be to increase prescription drug costs for the general public, State contracts, and for other organizations that buy through the PBMs. It limits oversight and auditing to State contracts, including the Department of Corrections, for pharmacy contracts. It repeals the anti-kickback provisions. It repeals conflict of interest and self-dealing restrictions. It repeals pricing transparency requirements. It repeals patient protections related to switching higher cost drugs for lower cost drugs without notice. It would turn back Maine's prescription drug protections that existed prior to 2003. If you want to vote to allow organizations in Maine that have engaged in misconduct and fraud and paying fines for misconduct, I would urge you to go ahead and vote to Indefinitely Postpone this amendment. Thank you, Mr. President.

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

Senator **SCHNEIDER**: Thank you Mr. President. Men and women of the Senate, it's disturbing that we're going to undo what I think is a good piece of legislation that protects consumers. I just want to read you a little bit of this piece that was in the Lewiston Sun Journal. It says; "The PBM industry which manages the pharmacy benefits of more than 95% of Americans with health insurance has fought the Maine law for years and succeeded in temporarily delaying its implementation in 2004. The current repeal bill was backed by Medco, a company involved in the 2004 lawsuit, CVS/Caremark, and the Pharmaceutical Care Management Association. The PCMA represents the largest PBMs, including Medco, CVS, Advance PCS, and Express Scripts. Two of those companies were active in the 2010 election. Medco donated more than $25,000 to candidates and political action committees as well as to Governor Paul LePage. The contributions were evenly distributed between Democrats and Republicans, with significant portions going to leadership PACs. CVS/Caremark spent $6,750 in 2010. Medco has also spent more than $8,500 through April lobbying several bills," including the one we're discussing here today. "The bill was also lobbied by Express Scripts, which spent $2,000 over the same period." I just want to raise this because the information given was that the PBM who was in some kind of negotiation decided to pull out of the negotiation. That's not at all uncommon with regards to trying to penalize any state that enacts legislation that is against what businesses want. They do whatever they can in order to make life difficult for that state which takes the lead.

The real question is; have consumers benefited, over all, from this legislation? I think that they probably have not because the fact of the matter is these companies are engaged in fraudulent practices often. When that occurs, money is lost. They don't want to change their behavior because their behavior is big money. Do we want to start making pharmacy benefit managers into something that actually could be a good thing? Sometimes it is a good thing because the whole concept is that they are supposed to negotiate the best deals for their clients. In fact, often what ends up happening is a pharmacy benefit manager, what they do is they say that they'll work to get good rates and then they get kickbacks. They basically get what is tantamount to pay offs and they don't, often, give the best prices to their clients. There are all kinds of shenanigans that go on with these pharmacy benefit managers and they don't want it to change. They don't want it regulated because they want to make the money at the expense of the consumer. That's why this is not good to undo this law. That's why it's good to once in a while stand up and say, "Yes, we are going to follow our motto and we are going to be leaders." It is not at all uncommon, when any state enacts new legislation. What they are trying to do is send a chilling effect to other states that if they do this they will end up with being slapped. That's what we're seeing in this case, I believe anyways. I would hope that we will vote against this pending motion to Indefinitely Postpone this amendment. Thank you.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, I'm listening to the debate with interest because it's a subject I really don't know very much about, the underlying bill, L.D. 1116. I will direct my remarks only to the amendment which is being offered. The amendment basically indicates that a state agency may not contract with a PBM if that organization has within three years prior, in connection with the bid; number one, made a misrepresentation of a material fact or committed fraud; or number two, been convicted of a violation of state or federal law. I'm looking at this from the perspective of an attorney trying to understand what that means and how that could possibly be enforced. I appreciate the motivation of the sponsor of this amendment, but I cannot vote for this amendment. It says, "Can't contract with a PBM if they made a misrepresentation of a material fact or committed fraud." As determined by whom? The Legislature? Some director in a State agency? A court of law? There's just no way of knowing and I respectfully suggest that this is just not enforceable or understandable. Number two, "If they have been convicted of a violation of state or federal law." Again, I'm just not entirely clear what that means. Does that mean if an official of a PBM in the state of Oregon, for instance, has been found guilty of speeding as he's delivering the application to the state capital. That is being convicted of state law in connection of the filing of a proposal or a bid. Again, I appreciate the motivation of the author of the amendment, but I respectfully suggest that this is something that cannot be, in any intelligent way, understood by the people we're trying to regulate or to enforce. I urge support of the pending motion to Indefinitely Postpone the amendment. Thank you, Mr. President.

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

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, there is a long history of PBM misbehavior to the detriment of the consumers, taxpayers, and pharmacies, with many investigations by U.S. Attorneys and State Attorney Generals, resulting in billions of dollars in settlements over many years. These investigations and lawsuits stretch back to before 2003, when Maine's PBM law was first enacted and continue today. Between 2004 and 2009 the three major PBMs have been the subject of six major federal or multi-district cases over allegations of fraud; misrepresentation to plan sponsors, patients, and providers; unjust enrichment through secret kickbacks schemes; and failure to meet ethical and safety standards. The cases listed below resulted in more than $371.9 million in damages to states, plans and patients so far. I'm going to read that in case you wasn't in the Body when I read them yesterday. It seems to me to be pretty clear that if an organization, this is not on an individual level, is charged with misconduct with fraud, with mail fraud, with government fraud, secret rebates, drug switching, and failure to meet State quality of care standards then that should be a clear violation. United States versus Advance PCS, now part of CVS/Caremark was charged $137.5 million in damages for kick-backs, submissions of false claims, and other rebate issues. State Attorney General versus Caremark Inc., $41 million in damages for deceptive trade practices, drug switching, and repacking. That could be dangerous because God knows I don't understand what repacking is. It may not even be the right drug in the right package or it could be generic in a brand named package. It doesn't say what that is and I don't know what it is. State Attorney General versus Express Scripts, $9.5 million for drug switching and illegally retaining rebates and spread profits and discounts from plans. I think that those are pretty well documented. You can Google them or you can find those pretty much anywhere you look from the law courts. We have smaller PBMs that do business in Maine and certainly they have not been charged with any misconduct. This amendment would prevent large companies that have a monopoly and that have fraudulent behavior in their past from doing business with public entities in Maine if they have been convicted of doing any of those deeds in the past three years. Thank you, Mr. President.

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

Senator **ALFOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, I am also sitting here not knowing much about the subject, but as I listened to the discussion it befuddles me why this idea, or this law that we have on the books, is going to be repealed and why this amendment is so necessary. Eight years ago this law was enacted because there are, no matter what you believe in the free market, times when predatory practices happen. This is a largely unregulated industry. Why wouldn't the State want to ensure, when kickbacks to PBMs happen for certain drugs, that we know about it. This is about transparency. This is about good government. This is about protecting our small pharmacies. I am very surprised that this piece of legislation, with the amendment, is causing so much of a stir. Twenty-five other states regulate PBMs. Mr. President, I urge the entire Body to defeat the Indefinite Postponement. Thank you.

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

Senator **SCHNEIDER**: Thank you Mr. President. Men and women of the Senate, I just wanted to be clear that I am also interested in defeating the pending motion. I just wanted to clarify because I think I was a little bit foggy there. Thank you.

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

Senator **PLOWMAN**: Thank you Mr. President. Men and women of the Senate, an attorney sent me a quote that I've had on my door for the whole year. I thought today I would read it to you. It's a quote from Thomas Brackett Reed, Speaker of the House of Representatives, representing Maine in Congress. "One of the greatest illusions in the world is the hope that the evils in this world are to be cured by legislation." A phone call to Frank Johnson, to try to separate where this needs to be done, showed that this could be in the RFP for the contract. When you go and read the RFP, and you're going to the request, you are going to see all of the things that are listed. It's much easier to put it in the RFP and change it as necessary, as conditions change, which you just heard about, than to have something slip through because it wasn't contained in statute at the time of the bid. RFPs are a lot easier to change. They are a lot easier to manage. They don't have to worry about whether they are in the emergency session, the beginning of the session, or if they have a fiscal note. All of this can be covered. It just doesn't need to be done with legislation. It's not an attempt to avoid transparency. The bureau and the department can do this. When they decide what needs to be done they can put it right there in the RFP and you avoid all of the evils that you just talked about. You just don't have to put it in statute and wait for the next time to change it as you need it. I'd rather have the flexibility and the protection. Thank you, Mr. President.

THE PRESIDENT: The Senator from Androscoggin, Senator Craven, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, when we had a public hearing on this bill, we had many, many pharmacists, privately owned pharmacists, and at the time the chain pharmacies as well, came and objected and spoke in opposition to this repeal. Later, during the session, there was an amendment put on the bill that seemed to have pacified some of the larger chain pharmacies, but the smaller, privately owned pharmacies, are still in opposition to this repeal. Part of the reason for that is that they don't have the staff or the time to shop around, to do the RFPs, to receive the RFPs back, and to do the comparisons. That's a big problem for them. The repeal of this bill is going to cause a lack of transparency. As Maine law stands at the moment, PBMs are required to put competing prices on their web sites so that buyers for those pharmacies and for government entities are able to make comparisons. This is something that would be missing. It is a burden on the smaller businesses to have to do all of that shopping and comparing and work of putting out and going through the RFPs. Thank you, Mr. President.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator McCormick to Indefinitely Postpone Senate Amendment "A" (S-314) to Committee Amendment "A" (H-608). 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 (#272)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, CRAVEN, DIAMOND, DILL, GERZOFSKY, HILL, HOBBINS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN

EXCUSED: Senators: BRANNIGAN, GOODALL

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **McCORMICK** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-314) to Committee Amendment "A" (H-608), **PREVAILED**.

Committee Amendment "A" (H-608) **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608)**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (6/15/11) Assigned matter:

An Act To Allow School Administrative Units To Seek Less Expensive Health Insurance Alternatives

H.P. 972 L.D. 1326
(C "A" H-429)

Tabled - June 15, 2011, by Senator **ALFOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-429)**, in concurrence.)

(In House, June 15, 2011, **PASSED TO BE ENACTED**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#273)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, PLOWMAN, RECTOR, ROSEN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, CRAVEN, DIAMOND, DILL, GERZOFSKY, HILL, HOBBINS, JACKSON, MCCORMICK, PATRICK, SAVIELLO, SCHNEIDER, SHERMAN, SULLIVAN

EXCUSED: Senators: BRANNIGAN, GOODALL

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (6/14/11) Assigned matter:

SENATE REPORTS -from the Committee on **TAXATION** on Bill "An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes"

S.P. 252 L.D. 849

Report **"A" - Ought to Pass as Amended by Committee Amendment "A" (S-308)** (8 members)

Report **"B" - Ought Not to Pass** (4 members)

Report **"C" - Ought to Pass as Amended by Committee Amendment "B" (S-309)** (1 member)

Tabled - June 14, 2011, by Senator **TRAHAN** of Lincoln

Pending - motion by same Senator to **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308)**

(In Senate, June 14, 2011, Reports **READ**.)

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

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

Senator **BARTLETT**: Thank you Mr. President. May I pose a question through the Chair to anyone who may care to answer?

THE PRESIDENT: The Senator may pose his question.

Senator **BARTLETT**: Thank you Mr. President. I am just trying to understand why we are voting on this bill rather than Indefinitely Postponing it as we have with so many other tax bills in light of the tax package that was in the budget? For example, we had an earned income tax credit that was Indefinitely Postponed based on the fact that the tax work that was done was done as part of the budget. Thank you, Mr. President.

THE PRESIDENT: The Senator from Cumberland, Senator Bartlett poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN**: Thank you Mr. President. Ladies and gentlemen of the Senate, the reason that we are not Indefinitely Postponing this is that, in combination with some items that we will speak of later, I believe that there is a way that we can move forward, even beyond what we did in the budget. It will be put on the floor of the Senate an opportunity to discuss the next steps. Thank you, Mr. President.

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

Senator **BARTLETT**: Thank you Mr. President. I just want to weigh in that I am troubled by this approach. It seems to me that if we were going to continue to work on questions around the income tax, let's do it together. Let's make sure that we're considering people across the spectrum. I am deeply troubled that we, a short while ago, Indefinitely Postponed an earned income tax credit but now seem to be moving forward on some other income tax legislation. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Trahan to Report "A", Ought to Pass as Amended by Committee Amendment "A" (S-308). 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 (#274)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, HILL, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, CRAVEN, DIAMOND, DILL, GERZOFSKY, HOBBINS, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

EXCUSED: Senators: BRANNIGAN, GOODALL

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **TRAHAN** of Lincoln to **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308), PREVAILED.**

READ ONCE.

Committee Amendment "A" (S-308) **READ.**

On motion by Senator **TRAHAN** of Lincoln, Senate Amendment "A" (S-330) to Committee Amendment "A" (S-308) **READ.**

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

Senator **TRAHAN**: Thank you Mr. President. Ladies and gentlemen of the Senate, I'd like to take just a moment to explain this bill. This bill, I believe, a very similar version of it has passed a couple of times in previous Legislatures. The concept of this bill is to use a portion of revenue growth in the future, in this bill 20% of any future surpluses, to incrementally reduce the income tax. How this proposal works is by taking an existing program in the cascade called the Income Tax Relief Fund that has never been used and create a higher priority for that fund in the cascade and then direct funds from future growth to reduce the income tax to, eventually, a flat rate. The reason this bill is important is, first of all, that it begins to take us down a road and calls for a long term look at where we are with our tax structure and trying to bring it into line with other states and with other states that are trying to develop their economy. A 4.5% flat rate, I believe, if adjusted properly like some other states do, could be an incredible incentive to bring businesses to Maine. Not only that, it would put a great deal of money in taxpayers' pockets and be a great incentive to work.

The way that this would work is as revenue comes in it would be set into this fund. Once there was enough to lower the income tax two-tenths of 1% it would automatically happen on a trigger. More importantly, why this is, I think, very important to tax reform is that many people in the Legislature have felt very uncomfortable making changes to the tax code without some guarantee that it's going to go to lower the income tax. To be honest with you, this creates that mechanism that, I believe, will take us to the next step, which is to completely review our tax code. We now have a mechanism in place to reduce the income tax, but I think more confidence in examining our tax code with the ability to now target it into a fund that automatically lowers the income tax. The way the income will be distributed is; let's say $10 million came into this fund. It would be split $5 million to lower the new 7.95% bracket. The other $5 million to lower the 6.5% bracket. Once the 6.5% bracket reaches 4.5%, which will happen first, the lower and moderate incomes will see the relief first. Then all the money will go to lower the top rate down to 4.5%.

I know that some people have problems with this type of mechanism. I certainly understand that. For many of us to feel comfortable in moving forward, this is a very important piece. Thank you, Mr. President.

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

Senator **BARTLETT**: Thank you Mr. President. This approach has me worried. We currently, this morning, enacted a budget that creates a $300 million hole in the next biennium. We're now going to say that if there is money left at the end of a biennium, apparently, that the excess money would be cascaded into an account to lower the income tax rate. What will happen in the next biennium? We haven't even covered the tax cuts we've just given and we're setting up a fund to be used to lower the taxes further. It seems to me that we're just putting ourselves deeper and deeper into a hole in the next biennium. Let's make sure we can pay, over the long term, what we've already done and then let's come back to figure out how to lower them further. I want to lower the income tax as much as anyone. I've worked on it my entire time here. We've got to do it responsibly and to keep sort of adding cut after cut after cut, with no plan to pay for it, is irresponsible and is going to lead to a real fiscal crisis in the state. Thank you, Mr. President.

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

Senator **PATRICK**: Thank you Mr. President. I'd like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **PATRICK**: Thank you Mr. President. I was wondering if anyone could tell me if this will have any affect whatsoever from the money that is already going to go to the Rainy Day Fund, if we actually have excess revenue if we come out of economic slump.

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 Lincoln, Senator Trahan.

Senator **TRAHAN**: Thank you Mr. President. I'm sorry, Mr. President. I'll have to come back to that question. I believe that if you look there is a cascade priority list. You can see there where it falls in the priority list. I do want to address the previous speaker's concerns. This proposal is designed to use a portion of revenue growth, not to slash into the previous year's revenues. It is growth and surpluses. It is unlikely, in the next two or three years, that you've going to see a significant growth in revenues or surpluses. The effective date of this is outside of the next biennium. I think, looking at revenue projections, that is when the so-called recovery is projected to occur. I hope that this takes affect and there is money, because that means that our economy is coming out of the slump and revenues are growing significantly.

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

Senator **BARTLETT**: Thank you Mr. President. Here's what I see as the problem. Right now we have a $300 million deficit created by the taxes we all passed. I think most of us thought that this tax proposal was the tax proposal for the session. It's been surprising, first of all, that we are continuing down the road

of further tax proposals that weren't considered as part of that effort. Nonetheless, we have a $300 million hole today and are looking at expanding it. Let's suppose revenue grows significantly over the next year. There is an additional $50 million at the end of this fiscal year. Wonderful. You put that into income tax cuts. Now you have a $350 million, potential, hole in the next biennium. What you are doing is sort of growing and growing and growing that potential hole in future years. It's not as if revenue growth is just going to continue to go up and up and up. We know it goes up and down and up and down. What I think this does is really set us up for a train wreck. If we really want to figure out how to lower them further let's first take that $50 million and pay for what's coming up, and then figure out what other structural changes we can make to bring those taxes down. We all have the same goal. We want to lower taxes. I think this is really setting up a train wreck that future Legislatures are going to have an extraordinarily difficult time dealing with. Thank you, Mr. President.

The President requested the Sergeant-At-Arms escort the Senator from Penobscot, Senator **PLOWMAN** to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **DEBRA D. PLOWMAN** of Penobscot County.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND**: Thank you Madame President. Ladies and gentlemen of the Senate, following my two esteemed colleagues from Oxford and Cumberland, not only do I feel like we are potentially creating a fiscal train wreck or fiscal crisis, but my concern is what other State obligations are out there that we are somehow going to leapfrog for income tax relief? I think we have a very proactive, what I would call massive, tax cut already booked for the future. Now we're going to put more money in if revenues come up. I've mentioned, and I hope one stat will be with everyone in this Legislature, $400 million is what we underfund K-12 currently. That will grow in the next session, and I'm sure it will be $400 million plus. We also have a transportation system that's underfunded. We heard about that when we just adopted the transportation budget and the highway budget. The list could go on and on. With this piece of legislation we're just putting our vehicles in 5th gear and saying the only that we are going to do with excess dollars is we're going to skip over the Rainy Day Fund, we're not going to have something there for anything that comes up that our government needs in some sort of crisis, we're not going to look at our future obligations, and we're just going to keep reducing taxes. Like I said in my complimentary speech around the budget, I fear that this Legislature, through these tax cuts and now through bills that I didn't realize were coming either, is beginning to starve government. Thank you, Madame President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Woodbury.

Senator **WOODBURY**: Thank you Madame President. I'm going to support the motion. I just want to explain. I was part of a very lonely Minority Report because I had envisioned a broader look at tax reform that reweighted our system between income and consumption taxes. This bill, in fact as a whole, is only going to work towards lowering our income tax rates if the growth of revenue is above the spending guidelines that were passed a number of years ago through the old L.D. 1 where we sort of put in place some projected growth path that we thought was reasonable for government spending. The only time that we're going to be able to use this bill to allow the income tax rates to come down is if we exceed those revenue growth limits. In that circumstance, a portion would be used to lower rates. What the amendment does is, basically, conform the approach to the tax changes that were put in the budget. I do believe that it is these high income tax rates that are a disincentive to the economy and I think this approach may be a helpful part of the solution. Even though I would have rather incorporated it into a larger discussion of reform, I think this is a piece that very much could be part of it. Thank you.

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

Senator **PATRICK**: Thank you Madame President. Ladies and gentlemen of the Senate, colleagues and friends, I'm going to get it down to the basics; my own home budget, and everyone else's home budget. There is a guy by the name of Dave Ramsey on the radio. One of the things, the most important thing to him, is to make sure you pay down your debt and make sure you have at least six months of money in reserve. What scares the heck out of me with this is the amount of money we need to protect ourselves from a catastrophe like we have now, in my estimation, should be $1 billion or $2 billion. Until we have a significant enough amount in our Rainy Day Fund, I understand basically the kind of concept with this, but if we're not going to have an adequate amount in our Rainy Day Fund there's no way that I'm going to support this, even though it sounds great. With that, it's about as simple as you can get. I think we've got to have a heck of a lot more money in the bank. I know people in the state of Maine are hurting. Every dime would help them out. I don't think this is going to really help them out if we run into a financial catastrophe in the state where we're hundreds of millions of dollars further in debt than we are now. We're not going to be able to make it up and we can't make it up on cuts. I'm going to vote in opposition to this. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY**: Thank you Madame President. Men and women of the Senate, I just want to build off the good Senator from Cumberland, Senator Woodbury's comments about this being revenues above the existing cap that we have for spending. It doesn't jeopardize the current expenditures. It's above and beyond. It's above the increase that's actually built into our statutes. It does protect the existing priorities. With that, I think probably the most important piece of this legislation is that it sends a message across the state, across the country, and,

frankly, across the world that if you invest in Maine we are going to make a commitment to stay on this track until we reduce the top income tax rate to 4.5%. The work of the Taxation Committee under Senator Trahan's leadership has been phenomenal because they haven't just taken it off the top end of it; they've also insisted that you take it off the bottom end of the tax rate as well. With that, I would encourage you to support the good Senator from Lincoln.

On motion by Senator **TRAHAN** of Lincoln, Senate Amendment "A" (S-330) to Committee Amendment "A" (S-308) **ADOPTED**.

Committee Amendment "A" (S-308) as Amended by Senate Amendment "A" (S-330) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308) AS AMENDED BY SENATE AMENDMENT "A" (S-330)** thereto.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by President Pro Tem **DEBRA D. PLOWMAN** of Penobscot County.

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 Ensure the Safety of Children in the MaineCare Program Who Are Prescribed Antipsychotic Medications"
H.P. 476 L.D. 646
(C "A" H-408)

In Senate, June 6, 2011, **FINALLY PASSED**, in concurrence.

In Senate, June 15, 2011, **RECALLED** from the Governor's Desk, pursuant to Joint Order H.P. 1183, in concurrence.

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

On motion by Senator **McCORMICK** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act To Cut the Cost of Behavioral Health Care in Hospital Emergency Rooms and To Enhance Access to Peer Support and Community-based Services"
H.P. 711 L.D. 967
(C "A" H-424)

In Senate, June 6, 2011, **FINALLY PASSED**, in concurrence.

In Senate, June 15, 2011, **RECALLED** from the Governor's Desk, pursuant to Joint Order H.P. 1182, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-424) AS AMENDED BY HOUSE AMENDMENT "A" (H-663)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **McCORMICK** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act To Improve Preventive Dental Health Care and Reduce Future Avoidable Costs"
H.P. 826 L.D. 1114
(C "A" H-501)

In Senate, June 7, 2011, **PASSED TO BE ENACTED**, in concurrence.

In Senate, June 15, 2011, **RECALLED** from the Governor's Desk, pursuant to Joint Order H.P. 1184, in concurrence.

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

On motion by Senator **McCORMICK** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics"
H.P. 1155 L.D. 1573
(C "A" H-397)

In Senate, June 3, 2011, **PASSED TO BE ENACTED**, in concurrence.

In Senate, June 15, 2011, **RECALLED** from the Governor's Desk, pursuant to Joint Order H.P. 1181, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-397) AND HOUSE AMENDMENT "A" (H-658)**, in **NON-CONCURRENCE**.

On motion by Senator **McCORMICK** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORT - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Further Improve Maine's Health Insurance Law"

S.P. 515 L.D. 1580

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-305)**

In Senate, June 14, 2011, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-305)**.

Comes from the House, Report **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **WHITTEMORE** of Somerset, the Senate **RECEDED** and **CONCURRED**.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator ROSEN for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Amend the Laws Relating to the Maine Public Employees Retirement System"

S.P. 485 L.D. 1524

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

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

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

Ordered sent down forthwith for concurrence.

All matters thus acted upon were ordered sent down forthwith for 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 **TAXATION** on Bill "An Act To Provide an Income Tax Credit for Logging Companies That Hire Maine Residents"

S.P. 100 L.D. 338

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-41)** (4 members)

In Senate, April 27, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-339)**, in **NON-CONCURRENCE**.

On motion by Senator **TRAHAN** of Lincoln, the Senate **RECEDED** and **CONCURRED**.

Senate at Ease.

Senate called to order by President Pro Tem **DEBRA D. PLOWMAN** of Penobscot County.

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

REPORTS OF COMMITTEES

Senate

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Regarding the Membership of the Midcoast Regional Redevelopment Authority Board of Trustees"

S.P. 54 L.D. 204

Had the same under consideration and asked leave to report:

That they are **Unable to Agree**.

On the Part of the Senate:

Senator COURTNEY of York
Senator FARNHAM of Penobscot
Senator GERZOFSKY of Cumberland

On the Part of the House:

Representative PRESCOTT of Topsham
Representative HARVELL of Farmington
Representative VALENTINO of Saco

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

Sent down for concurrence.

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

Senator **JACKSON** of Aroostook was granted unanimous consent to address the Senate off the Record.

On motion by Senator **COURTNEY** of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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 **TAXATION** on Bill "An Act To Promote Fair and Efficient Resolutions in Tax Disputes"
H.P. 1010 L.D. 1371

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-629)**.

Signed:

Senators:
TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:
KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

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

Signed:

Representatives:
BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

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-629) AS AMENDED BY HOUSE AMENDMENT "A" (H-660)** thereto.

Reports **READ**.

Senator **TRAHAN** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **ALFOND**: Thank you Mr. President. I request to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **ALFOND**: Thank you Mr. President. My question is, this new regulatory authority, would any of them need to be lawyers?

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

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

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

Senator **TRAHAN**: Thank you Mr. President. In answer to the question, if you look at the amendment the appeals officer may not be an attorney.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence. (Roll Call Ordered)

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Establish a Debt Limit for the State"
H.P. 627 L.D. 830

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-665)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-665)**.

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

READ ONCE.

Committee Amendment "A" (H-665) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Provide Oversight in Certain Negotiations"
H.P. 1168 L.D. 1583

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-662)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-662)**.

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

READ ONCE.

Committee Amendment "A" (H-662) **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:

ENACTORS

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

Acts

An Act To Encourage Transparency in the Department of Education
S.P. 158 L.D. 566
(S "A" S-315 to C "A" S-300)

An Act To Change the Campaign Contribution Limits
S.P. 260 L.D. 856
(S "A" S-220; S "B" S-297)

An Act To Restore the Health Care Provider Tax to 6 Percent
H.P. 752 L.D. 1016
(C "A" H-649)

An Act To Extend Employment Reference Immunity to School Administrative Units
H.P. 1030 L.D. 1402

An Act To Establish the Maine Wild Mushroom Harvesting Certification Program
S.P. 436 L.D. 1407
(C "B" S-306)

An Act To Fully Enfranchise Voters
H.P. 1087 L.D. 1478
(H "B" H-654 to C "A" H-508)

An Act To Reduce Energy Prices for Maine Consumers
S.P. 501 L.D. 1570
(S "A" S-310 to C "A" S-272)

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

An Act To Amend the Maine Consumer Credit Code To Conform with Federal Law
S.P. 415 L.D. 1338
(C "A" S-311)

On motion by Senator **PLOWMAN** of Penobscot, placed on the **SPECIAL STUDY 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:

Act

An Act Related to Authorization of GARVEE Bonds
S.P. 353 L.D. 1153
(C "A" S-317)

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

Senator **DIAMOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, could I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **DIAMOND**: Thank you Mr. President. If someone could explain, just quickly, what this is.

THE PRESIDENT: The Senator from Cumberland, Senator Diamond poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN**: Thank you Mr. President. I'd be happy to respond to the question. This bill is a straight forward proposal. It would require, in statute, a vote of two-thirds of the Legislature to issue a GARVEE bond. That would put it in sync with the current requirement of a two-thirds vote to issue a bond from the Governmental Facilities Authority.

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1187

ORDERED, the Senate concurring, that Bill, "An Act To Protect Legislative Intent in Rulemaking," H.P. 426, L.D. 543, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ and **PASSED**, 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:

Emergency Resolve

Resolve, To Authorize the State To Acquire a Landfill in the Town of East Millinocket

S.P. 500 L.D. 1567
(H "A" H-635 to C "A" S-282)

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

Senate at Ease.

Senate called to order by the President.

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 Create a Public Charter School Program in Maine"

S.P. 496 L.D. 1553
(C "A" S-301)

In Senate, June 14, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-301)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-301) AS AMENDED BY HOUSE AMENDMENT "E" (H-637)** thereto, in **NON-CONCURRENCE**.

Senator **LANGLEY** of Hancock moved the Senate **RECEDE** and **CONCUR**.

Senator **ALFOND** of Cumberland moved the Senate **RECEDE**.

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

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

Senator **BARTLETT**: Thank you Mr. President. I urge you to support the pending motion so that we have an opportunity to discuss some amendments. I think it's unfortunate that we're getting to a point where we can't even entertain each other's amendments. I would really appreciate your vote to Recede and give all members the opportunity to present their ideas. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Alfond to Recede. 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 (#275)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFSKY, HILL, HOBBINS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN

NAYS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

EXCUSED: Senator: GOODALL

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **ALFOND** of Cumberland to **RECEDE**, **FAILED**.

On motion by Senator **LANGLEY** of Hancock, the Senate **RECEDED** and **CONCURRED**.

REPORTS OF COMMITTEES

House

Divided Report

Eight members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Legalize the Sale, Possession and Use of Fireworks" (EMERGENCY)
H.P. 71 L.D. 83

Reported in Report **"A"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-582)**.

Signed:

Senators:
MASON of Androscoggin
WHITTEMORE of Somerset

Representatives:
PLUMMER of Windham
BURNS of Whiting
HANLEY of Gardiner
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

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

Signed:

Senator:
GERZOFSKY of Cumberland

Representatives:
CLARKE of Bath
HASKELL of Portland
LAJOIE of Lewiston

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 "B" (H-583)**.

Signed:

Representative:
BLODGETT of Augusta

Comes from the House with Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582)**.

Reports **READ**.

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582)**, in concurrence.

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

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

Senator **GERZOFSKY**: Thank you Mr. President. Ladies and gentlemen of the Senate, the committee name is Criminal Justice and Public Safety. When we heard this bill we heard from medical professionals and EMTs. We heard from fire chiefs. I happen to serve on a fire commission. They have taken a very strong stand against this bill. I heard from nobody, except people that deal with fires, first responders. They didn't say there might be some accidents. They said there will be. They didn't say there might be fires caused by these fireworks. They said there will be. It was pretty cut and dry for the people who are having to deal with the repercussions of our actions here. I don't think that anybody in this building, in this Chamber, wants our children to go home looking a little different after fireworks. We didn't put in rules dealing with time of day, days of the week, Fourth of July, or New Years Eve. The industry did come in and try to put the federal rules, federal laws or federal regulations, in place to help. I couldn't get anybody that was going to deal with these accidents, these instances, and the trouble and the problems that they've seen in other states. They didn't say we might have kids coming home like this. They said that we will have. They did say that we might have serious problems in some of our communities, not so much with noise, not so much with disturbing the peace at 10:30 at night, but with public safety and our kids getting a hold of legal fireworks. I grew up, as most of us have, going to the fair and listening to the fireworks. Fourth of July is loaded with fireworks. Then we have professionals setting them off, not just anybody. We certainly don't have people at an age when their

testosterone is running pretty high in their teenage years getting their hands on fireworks and setting them off. I know in 1963, I believe it was 1963 or 1964, I told this story last year because this bill has been in front of us many times. Last year I told this story to the Chamber, so those people who were here last year I hope I'm not going to bore you. My parents and my younger siblings lived on a road in Pasadena, California, a road that the Rose Parade floats used to go up on New Years Eve to the staging area for the Rose Parade that we all watch on television. There were some kids outside on New Years Eve playing with firecrackers. There was, like around most of our homes, some dried brush and some leaves that caught on fire. Nobody noticed that. When my parents came home from their New Years Eve celebration and went to bed, they didn't realize that within a half an hour the house was going to be ablaze. Two story house in Pasadena, California. I was up on Colorado Boulevard getting in trouble, so I didn't know that the house was going to burn down either. I didn't know that my siblings were going to be rushed out of their beds in the wee hours of the morning by my mother in her nightgown and taken outside the house through the second floor windows. I didn't realize that my father, my step-father, was going to have to come running out of the house with a woman's bathrobe on because he was asleep when that happened. That was caused by teenagers playing with firecrackers on New Years Eve. They didn't intend to burn that house down. It was a very old house made out of wood. It was very sad. President Eisenhower went to church the next week across the street. There was a church and I remember his quote in the newspaper. Last year when I was here I had the news article. What a shame it was for such a nice old home. All he saw was the remnants. It had burnt down. How lucky the family was that was in that house. I came by to visit my parents the next morning on the way home from Colorado Boulevard. You can imagine just how shocked I was to find a charred skeleton of my parent's home and how terribly afraid I was, wondering where they were because they weren't there then. There were some firefighters still putting out the fire. This bill has always, when it's come to my committee in the past, brought back those memories. I think it's important for us to understand. We do enjoy going to our fairs. We do enjoy Fourth of July. We do enjoy being out on the lake and listening to the fireworks in the distance. Some of our dogs don't, but we do. I certainly don't want to see what our Fire Marshal and our fire commission, our EMTs, and our first responders have come in to describe, Mr. President, in our committee. I certainly don't want to see any child in Maine needlessly walk around disfigured in any way. I'm going to oppose this bill tonight even though I know the temptation is great. I don't think the risk is really worth it. I don't want anybody else to ever come home to a house, whether it's New Years Day or any other day of the year, and be worried about where their family has gone because the house is no longer there. Thank you very much, Mr. President.

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

Senator **MASON**: Thank you Mr. President. Ladies and gentlemen of the Senate, this bill before you is a compromise that was put together by a working group of interested parties. This is the result, what you have in front of you today. I could go on and on about other states do this and all the good things that everybody usually says about things like this. I think this is a good bill. I think it's a bill that we have the opportunity to open a new industry in Maine. We do things every day that are dangerous. We drive cars. We do dangerous things every day. I would just say in closing, Mr. President, that it's more dangerous to play on a playground than it is to play with fireworks. With that, Mr. President, I hope we'll pass the report. Thank you.

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

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, because I serve on the Health Committee, I feel like I have to stand in opposition to this motion. I was in Hawaii once, suffering. I went for New Years. Fireworks are legal in Hawaii. My son was in the service at the time, so we were staying at one of the hotels in Honolulu. One of the people that worked at the hotel invited us to their house for New Years Eve. People were having picnics and parties outside in the street. Every kid on the street had fireworks and sparklers and people were shooting off the fireworks. You couldn't breath. The smoke and the sparks and the ash were flying everywhere. I didn't see any big accidents that day, but the next day on the news it said for the emergency rooms in Hawaii it was the busiest day of the year. Not just for accidents, but for kids who had asthma and other breathing difficulties. Not just kids, but adults as well. They also had all of the sanitation people that had to come New Years Day, the very next day, to try to clean up the enormous mess that those fireworks had made around the streets. Not only is it going to cost in health care costs and especially visits to the emergency room, but also in sanitation costs because they are dirty, they are just done during the holiday time, which means that extra work has to be done. I ask you to defeat this motion. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Mason to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-582), 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 (#276)

YEAS: Senators: COLLINS, COURTNEY, DILL, FARNHAM, HASTINGS, HOBBINS, JACKSON, KATZ, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, GERZOFSKY, HILL, LANGLEY, RECTOR, SCHNEIDER, SULLIVAN, WOODBURY

EXCUSED: Senator: GOODALL

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MASON** of Androscoggin to **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582)**, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-582) **READ**.

On motion by Senator **MASON** of Androscoggin, Senate Amendment "A" (S-326) to Committee Amendment "A" (H-582) **READ**.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **ALFOND**: Thank you Mr. President. Could someone explain the fee structure of this amendment?

THE PRESIDENT: The Senator from Cumberland, Senator Alfond poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON**: Thank you Mr. President. The fee structure in this amendment, the initial licensing fee is $5,000 and then it drops to $1,500 for annual renewal. The amendment also pushes the effective date out to January 1, 2012, which doesn't require the Public Safety Inspector II position as outlined in the original bill. Thank you, Mr. President.

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

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

Senator **SCHNEIDER**: Thank you Mr. President. Men and women of the Senate, I just asked a colleague if we've ever had legal fireworks in Maine. The reason I asked that was that I was trying to get a feel for how the amount was arrived at for the fees. I was just wondering if that based on other states? Just curious.

THE PRESIDENT: The Senator from Penobscot, Senator Schneider poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON**: Thank you Mr. President. I just gave my script back to Bonnie. I'm really not on the ball with the amendment piece. From what we heard in committee, there are other states that charge much higher fees than are proposed here. It really is all over the map.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Mason to Adopt Senate Amendment "A" (S-326) to Committee Amendment "A" (H-582). 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 (#277)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, HASTINGS, HILL, HOBBINS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: None

EXCUSED: Senator: GOODALL

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **MASON** of Androscoggin to **ADOPT** Senate Amendment "A" (S-326) to Committee Amendment "A" (H-582), **PREVAILED**.

Committee Amendment "A" (H-582) as Amended by Senate Amendment "A" (S-326) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582) AS AMENDED BY SENATE AMENDMENT "A" (S-326)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 439

STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE PRESIDENT

June 16, 2011

Joseph G. Carleton, Jr.
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Carleton:

Assistant Secretary of the Senate Bonnie S. Gould has tendered her resignation from her office effective June 30, 2011. While the entire Senate regrets Bonnie's departure, I know we all join in wishing her much continued success with her future endeavors.

Likewise, I know all Senators appreciate her outstanding service to the Senate and the people of Maine.

Sincerely,

S/Kevin L. Raye
President of the Senate

READ and **ORDERED PLACED ON FILE.**

THE PRESIDENT: Nominations are now in order for the office of Assistant Secretary of the Senate for the 125th Legislature. The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN** of Penobscot **NOMINATED DAVID R. MADORE** of Augusta for the Office of Assistant Secretary of the Senate of the 125th Legislature.

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

Senator **PLOWMAN**: Thank you Mr. President. Men and women of the Senate, in 1994, when I joined my second term in the Legislature, I met David Madore of Augusta, the newly elected legislator from Augusta. We were assigned to the Judiciary Committee together. For the next six years we served on that committee together, sometimes agreeing and sometimes not, but always respecting each other's opinions and especially each other's sense of humor. This session David Madore has come to work for us in the Secretary's Office. David shows in this office the same dedication, care, and concern, and I should say energy level, as he did a long time ago in 1994 when I first met him when he was a young man and I was a young woman. I am very happy to place David Madore's name into nomination today and I hope that you will join in endorsing his nomination as we proceed this evening.

Nomination seconded by Senator **HOBBINS** of York.

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

Senator **HOBBINS**: Thank you Mr. President. Men and women of the Senate, I rise today to speak on behalf of David Madore's nomination and I'm honored and privileged that he asked me to do so. It is also sort of a bitter sweet occasion today since it means that we are losing the current Assistant Secretary Bonnie Gould. I had the honor and privilege of seconding Bonnie's nomination on the first day of the 125th Legislature. I'd like to take a moment to thank Bonnie for her great work in the Senate and to let her know that we will miss her smiling face in the halls. However, her smiling face is being replaced with that of another smiling face, David Madore, who has been an exceptional staff member in the Secretary's Office. David is always upbeat, positive, and willing to help out any Senator, staff member, or any visitor. He has a great deal of respect for the institution of the Legislature. David served in the Maine Legislature as a member of the House of Representatives for four terms, the 117th, 118th, 119th, and the 120th. Uniquely, as a freshman legislator, he was elected by his peers to serve as the Chair of the Kennebec County Delegation. David served with distinction as a member of the Judiciary Committee. One fact I think you should all know, which I think that David should be very proud of, is that he was the first recipient of the Joe Mayo Award. The Maine Hospice Council created this award to recognize the efforts of the Honorable Joseph Mayo, Clerk Emeritus of the House of Representatives, to improve end of life care in the state of Maine. David was the only recipient of the award to have been chosen by Joe Mayo himself. It gives me great honor and privilege to present his name. I just wanted to tell you something that has probably happened to him many, many times, that is individual legislators come to him for legislative sentiments. I know that I went to see David very early in the session and I have to tell you that I think he might have cringed a little bit when I asked him at the last second if he would prepare 50 legislative sentiments for the Cheverus High School football team; for the coaches and the players. He did so with a smile, but he looked like he wished I would have brought the request to him earlier. I know that many of my colleagues have probably done the same thing, but maybe not in that big a category. David will be a great Assistant to our Secretary of the Senate, Joe Carleton, and I look forward to working with him in his new position. Congratulations, David.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, Bonnie, we're sorry to see you go. I rise to urge everyone to vote for my constituent, my former Representative, and my friend, David Madore. I first met David Madore many, many years ago when he was in a play with my wife. He played the chief aid to the Wicked Witch of the West in Wiz. In that job he showed great loyalty to the Wicked Witch and he worked very hard for the Wicked Witch. I am sure that those same qualities will serve him well as he takes over as Assistant to our good Secretary. I couldn't be more sorry and happy at the same time, Mr. President. 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 didn't know we were doing this, but I couldn't help but rise and say how sorry I am to see Bonnie leave. It was a bit of a surprise for me. From where I'm sitting you can't really see her, but every once in a while I'd get a note from her and it always brought a laugh. I truly am sorry to see her go. As was said by the Senator from Kennebec, Senator Katz, despite my sorry from seeing her leave, I am very happy to vote for Dave. I got to tell you, with the change in this room, probably the best thing is that I got to meet Dave because of that. I didn't know him before. He's been really a great help this session and I really enjoy working with him. I also enjoyed all his help with helping

me do the pledge in French. I'm telling you, that was gold in my district. Thank you.

On motion by Senator **COURTNEY** of York, nominations ceased.

On further motion by same Senator, one ballot was cast, on the part of the Senate, in favor of David R. Madore of Augusta for the Office of Assistant Secretary of the Senate for the 125th Legislature.

This being done, **DAVID R. MADORE** of Augusta was duly elected Assistant Secretary of the Senate of the 125th Legislature effective July 1, 2011.

THE PRESIDENT: The Chair is very pleased to acknowledge and to recognize the outgoing Assistant Secretary of the Senate, Bonnie Gould, who has served with distinction both as a member of the House of Representatives and in her service as the Assistant Secretary in this Body. Would you please join with me in expressing our appreciation and our love and gratitude to Bonnie Gould.

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

Senator **HASTINGS**: Thank you Mr. President. Six months ago I nominated Bonnie Gould as Assistant Secretary. I really want to thank you for the fine job we did in electing David Madore as her replacement because I tell you the job Bonnie Gould has done as Assistant Secretary has been so good that you can't believe some of the names I've been called in the last few days in caucus. I think they were in jest, but I'm not entirely confident that they didn't mean it. The fact that the door was locked when I tried to get into the caucus this morning probably had nothing to do with what I did. Little did I know when I nominated Bonnie Gould as Assistant Secretary six months ago, and spoke about how I had come to know her as a legislator, as a staff member of the Senate Republicans, and now as Assistant Secretary, just how well and how impress I had been with her skills, her personality, and her knowledge. First and foremost in my mind, Bonnie Gould is one good lawyer. One excellent lawyer. It just so happened that in my office we had need of one good lawyer and it did cross my mind a couple of months ago that Bonnie Gould was exactly the right person. I suggested it to her and I'm looking forward to continuing to work with Bonnie Gould myself and for many, many more years I'll have that pleasure. I do apologize to a certain extent to the Senate for the fact that Bonnie will be leaving, but I also know that the Senate and that position will be in excellent hands with David Madore. David, maybe you can get me off the hook here a little bit. I stand and I applaud the fine job that Bonnie Gould has done as our Assistant Secretary. Thank you. Please, unlock the door.

Off Record Remarks

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Promote Fair and Efficient Resolutions in Tax Disputes"

H.P. 1010 L.D. 1371

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-629)** (9 members)

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

Tabled - June 16, 2011, by Senator **COURTNEY** of York

Pending - motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence (Roll Call Ordered)

(In House, June 16, 2011, 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-629) AS AMENDED BY HOUSE AMENDMENT "A" (H-660)** thereto.)

(In Senate, June 16, 2011, Reports **READ**.)

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

On motion by Senator **TRAHAN** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

READ ONCE.

Committee Amendment "A" (H-629) **READ**.

House Amendment "A" (H-660) to Committee Amendment "A" (H-629) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-629) as Amended by House Amendment "A" (H-660) thereto **ADOPTED**, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act To Amend the Laws Governing the Capital Reserve Funds of the Maine Educational Loan Authority
H.P. 54 L.D. 66
(C "A" H-149)

Tabled - May 16, 2011, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-149)**, in concurrence.)

(In House, May 16, 2011, **PASSED TO BE ENACTED**.)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators 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.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, To Authorize the State To Acquire a Landfill in the Town of East Millinocket
S.P. 500 L.D. 1567
(H "A" H-635 to C "A" S-282)

Tabled - June 16, 2011, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 16, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-282) AS AMENDED BY HOUSE AMENDMENT "A" (H-635)** thereto.)

(In House, June 16, 2011, **FINALLY PASSED**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#278)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFSKY, HASTINGS, HOBBINS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: DILL, HILL, WOODBURY

EXCUSED: Senator: GOODALL

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 3 Senators having voted in the negative, and 31 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.

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 Allow Table Games at a Facility Licensed To Operate Slot Machines on January 1, 2011" (EMERGENCY)
H.P. 1044 L.D. 1418
(C "A" H-522)

In Senate, June 14, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522)**, in **NON-CONCURRENCE**.

In House, June 15, 2011, **RECEDED** and **CONCURRED**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522) AS AMENDED BY HOUSE AMENDMENT "B" (H-659)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **FARNHAM** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

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

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order:

H.P. 1188

ORDERED, the Senate concurring, that when the House and Senate adjourn, they do so until Tuesday, June 28, 2011. The House will convene at 9:00 in the morning and the Senate at 10:00 in the morning.

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

READ and **PASSED**, in concurrence.

The following Joint Order:

H.P. 1189

ORDERED, the Senate concurring, that Bill, "An Act To Clarify the Responsibilities of the Maine Developmental Services Oversight and Advisory Board," H.P. 827, L.D. 1115, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ and **PASSED**, in concurrence.

Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Senator **ROSEN** of Hancock was granted unanimous consent to address the Senate off the Record.

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

Senator **TRAHAN** of Lincoln was granted unanimous consent to address the Senate off the Record.

Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

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

Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Off Record Remarks

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, June 28, 2011, at 10:00 in the morning.