

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

First Regular Session  
December 1, 2010 to June 29, 2011

Pages 1 - 1494

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

In Senate Chamber  
Wednesday  
June 29, 2011

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

Prayer by Senator Elizabeth M. Schneider of Penobscot County.

**SENATOR SCHNEIDER:** Good morning. This is a real honor for me to be able to do the prayer this morning on, hopefully, our last day together this session. In discussing the prayer yesterday it reminded me of a prayer that I did about a year and a half ago. I wanted to share it with all of you.

I had visited my mother and step-father in Florida and walking along the beach I saw many different kinds of shells. They reminded me of each of you. They reminded me, and hopefully are a reminder to all of us, about the beauty and differences in our individuality. There are people close to us who go above and beyond the call of duty, always helping when asked. They work hard, smile, and do their best to assist us. They make our environment here brighter and better. I speak of the staff under the Dome. They are all around us. I want you all to know you are appreciated. The birthday cards and acknowledgements of life gifts and challenges, the little gatherings that I put together, I have done because everyone here is worth it. I know that others put those gatherings together because they feel the same. I always hope the little moments bring us closer together. I cannot take credit for putting these little gatherings together because I don't do it alone. They happen because many people help me in those efforts. I want to just take a moment to say a happy birthday to the person who makes my entrance here, and all of our entrances, a little easier, John Seed, who opens the door every day. Happy birthday to you, John. Everyone here, those people who really make our existence here so much nicer and pleasurable. There are several people I want to mention here today because they stand out. One of them, of course, is in our office. I know each of us has a person who may particularly brighten their day. Marcia Homstead is just an amazing woman. Then every time I go into the Senate Secretary's Office and David Madore is there he really brightens the room and makes things so much more fun. I really appreciate his efforts. David needed some help. I mentioned in the past Lisa Cote. Even though she's not still up on this floor, she was called in to help with a particular event. She just always is there to assist. Those are the people, those people who are always there to help us, that I just wanted to say many, many thanks to. Especially the people in the Revisor's Office. There are so many people around us who do these incredible things for us.

I mentioned the staff and the many special people who work under the Dome at this time, the time of prayer, because I think of God's gifts. Too often in haste and competitiveness, we are sometimes blinded and we do not see God's gifts. Yes, at times God's gifts can be trampled and then it's time for us to stop. It's time to center again and appreciate our daily gifts. All around us

miracles exist. The question is, do we have the ability to recognize them and will we appreciate them? Blessed are they who give without expecting even thanks in return, for they shall be abundantly rewarded. Blessed are they who translate every good thing they know into action, for every higher truths shall be revealed unto them. Blessed are they who do God's will without asking to see results, for great shall be their recompense. Blessed are they who love and trust their fellow beings, for they shall reach the good in people and receive a loving response. Blessed are they who, after dedicating their lives and thereby receiving blessings, have the courage and faith to surmount the difficulties of the path ahead, for they shall receive a second blessing. Blessed are they who advance towards the spiritual path without the selfish motive of seeking inner peace, for they shall find it. Amen.

Pledge of Allegiance led by Senator Debra D. Plowman of Penobscot County.

Reading of the Journal of Tuesday, June 28, 2011.

Off Record Remarks

**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"

H.P. 1044 L.D. 1418  
(H "B" H-659 to C "A" H-522)

In Senate, June 16, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522) AS AMENDED BY HOUSE AMENDMENT "B" (H-659)** thereto, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522) AS AMENDED BY HOUSE AMENDMENTS "B" (H-659) AND "D" (H-675)** thereto, in **NON-CONCURRENCE**.

Senator **FARNHAM** of Penobscot 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 (#289)**

YEAS: Senators: BRANNIGAN, COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, TRAHAN, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, CRAVEN, DILL, GERZOFKY, GOODALL, HILL, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY

ABSENT: Senator: JACKSON

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator FARNHAM of Penobscot to RECEDE and CONCUR, PREVAILED.

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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.

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**COMMUNICATIONS**

The Following Communication: H.C. 220

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

June 28, 2011

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

Dear Secretary Carleton:

The following 5 vetos were sustained in the House:

House Paper 414, Legislative Document 531, "An Act To Specify Qualifications for the Director of the Office of Adult Mental Health Services within the Department of Health and Human Services," 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?"

63 voted in favor and 75 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 945, Legislative Document 1290, "Resolve, To Promote Prevention Practices in Oral Health Care," 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 Resolve become a law notwithstanding the objections of the Governor?"

66 voted in favor and 72 against, and accordingly it was the vote of the House that the Resolve not become a law and the veto was sustained.

House Paper 845, Legislative Document 1139, "Resolve, To Promote Instruction in Cardiopulmonary Resuscitation and the Use of an Automated External Defibrillator," 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?"

78 voted in favor and 60 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 240, Legislative Document 296, "Resolve, Directing the State Bureau of Identification To Continue To Explore Contracting Options and Other Methods To Find Efficiencies in the Fingerprinting System for Criminal History Background Checks," 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?"

72 voted in favor and 66 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 430, Legislative Document 547, "Resolve, Directing the Maine Center for Disease Control and Prevention To Conduct a Review of Wood Smoke Laws," 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 Resolve become a law notwithstanding the objections of the Governor?"

73 voted in favor and 66 against, and accordingly it was the vote of the House that the Resolve 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.**

**ORDERS**

**Joint Order**

Expressions of Legislative Sentiment recognizing:

Judith M. Delfranco, of Fairfield, Technology Coordinator in the office of the Secretary of the Senate, on the occasion of her retirement after many years of dedicated service to the Maine State Senate and the State of Maine. Judi came to the Maine Senate in 1985, serving as the Chief Calendar Clerk for 9 years. She served as Assistant Secretary of the Senate for the 118th and 119th Legislatures and the 121st through the 124th Legislatures. Judi has worked for the Maine Senate for 23 years and is the longest-serving Assistant Secretary of the Senate. During her tenure at the Secretary of the Senate's office, Judi has been invaluable in helping to keep the workings of the Senate running smoothly and is highly esteemed throughout the State House. We send her our appreciation for her service to the State of Maine and congratulate her and send her our best wishes on her well-deserved retirement;

SLS 369

Sponsored by Senator HOBBS of York.  
Cosponsored by Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, COURTNEY of York, CRAVEN of Androscoggin, DIAMOND of Cumberland, DILL of Cumberland, FARNHAM of Penobscot, GERZOFISKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, JACKSON of Aroostook, KATZ of Kennebec, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PATRICK of Oxford, PLOWMAN of Penobscot, President RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SAVIELLO of Franklin, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SNOWE-MELLO of Androscoggin, SULLIVAN of York, THIBODEAU of Waldo, THOMAS of Somerset, TRAHAN of Lincoln, WHITTEMORE of Somerset, WOODBURY of Cumberland, Representative: PICCHIOTTI of Fairfield.

**READ.**

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

Senator **HOBBS:** Thank you Mr. President. Men and women of the Senate, I rise today to pay a special tribute to Judi Delfranco, who is retiring after so many years of dedicated service to the State of Maine and to the Maine State Senate. I've known Judi for over 25 years. I've had the pleasure to have worked with her professionally, but more than that I've had the honor and privilege to have her as a friend. She is someone that has dedicated her adult life to public service through her work in her community and also her work here in the Maine Legislature. She is someone that is a go to person who you rely upon probably more than we should for her assistance from the technology standpoint, but also from the standpoint of the institutional memory that she has with the process of the rules of this Body. I wish her well in her years of retirement. I can't believe I'm saying that because I hope that she will be of assistance to others in the future. You can never find anyone more dedicated, honest, respectful, sincere, and compassionate

than Judi Delfranco. When we, as the Democrats, lost control of this Body, one of my main concerns was those individuals who were going to have different positions because of the change of roles. I want to, at this time, again commend the President for making a very wise choice and having Judi stay for this session. She has been an invaluable member of his staff, I know, and other Secretary staff. I want to say to Judi that she is welcome as a friend and she is welcome as a colleague anytime in our office, in our lives. Thank you very much for your service.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I would like to rise from this side of the aisle and echo the good comments of my colleague from York. In addition, I'd like to really extend a special thank you to Judi for her commitment to the institution. We all were put in new roles this last session. We will be forever indebted to you for the commitment that you showed to the institution in making this transition as smooth as possible. I want to thank you from the bottom of our hearts. Thank you, Judi.

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

Senator **BARTLETT:** Thank you Mr. President. I, too, want to rise and commend Judi Delfranco for her extraordinary service to this institution and to the State of Maine. When I think of Judi I think of quiet confidence. When you first meet her you are just struck by her ability to understand how things work, to always be tireless in her efforts to be diligent in her work, and to make sure that we are always protecting this institution and the rules of procedure above all else. That is a level of commitment, a level of confidence, and a level of support that I know we've all enjoyed and it's been wonderful having her continue to stay on this year to help us navigate these new waters. I really appreciate all of her service. It's a real service to Democrats, Republicans, Independents, and, above all, to this institution and role that it plays in State government. Thank you, Mr. President.

**THE PRESIDENT:** The Chair would add his appreciation to those remarks extended by members regarding Judi Delfranco. She has been an invaluable asset and I know that all of us appreciate her willingness to stay on and see us through this session.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Judi Delfranco. Will she please stand and accept the greetings of the Maine Senate.

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Senate at Ease.

Senate called to order by the President.

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**ENACTORS**

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

**Emergency Measure**

An Act Regarding the Saltwater Recreational Fishing Registry  
S.P. 60 L.D. 210  
(S "B" S-147; S "C" S-343  
to C "A" S-136)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, To Establish a Task Force on Franco-Americans  
H.P. 486 L.D. 656  
(S "A" S-337 to C "A" H-88)

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

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**Emergency Resolve**

Resolve, To Review Issues Dealing with Regulatory Takings  
H.P. 1086 L.D. 1477  
(S "A" S-335 to C "A" H-600)

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

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**Acts**

An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers  
H.P. 52 L.D. 59  
(C "A" H-72; S "A" S-338)

An Act To Extend the Dental Care Access Credit for Dentists Who Practice in Underserved Areas of the State  
H.P. 141 L.D. 164  
(S "A" S-341 to C "A" H-35)

An Act To Reform Telecommunications Taxation  
H.P. 334 L.D. 441  
(S "A" S-347 to C "A" H-477)

An Act To Allow Alternative Delivery Methods for Locally Funded School Construction Projects  
H.P. 413 L.D. 530  
(S "A" S-325 to C "A" H-613)

An Act To Modify the Process Regarding the Return of Unfit Tobacco Products  
S.P. 198 L.D. 617  
(S "A" S-349 to C "A" S-125)

An Act To Make Certain Synthetic Cannabinoids Illegal  
H.P. 673 L.D. 914  
(S "A" S-351 to C "A" H-293)

An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles  
H.P. 710 L.D. 966  
(S "A" S-352 to C "A" H-254)

An Act To Increase the Fee Paid to a Funeral Home To Transport a Body at the Request of the State Medical Examiner  
H.P. 955 L.D. 1303  
(S "A" S-358 to C "A" H-239)

An Act To Create Consistency and Fairness in Maine's Bottle Bill  
H.P. 970 L.D. 1324  
(S "B" S-359 to C "A" H-316)

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

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An Act To Legalize the Sale, Possession and Use of Fireworks  
H.P. 71 L.D. 83  
(S "A" S-326 to C "A" H-582)

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

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An Act To Provide Administrative Support to the Citizen Trade Policy Commission  
H.P. 716 L.D. 972  
(C "A" H-249; S "A" S-353)

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

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An Act To Restore Equity in Education Funding  
S.P. 395 L.D. 1274  
(S "A" S-273 to C "A" S-240)

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

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An Act To appropriate Funds for the Maine Downtown Center  
S.P. 176 L.D. 584  
(C "A" S-37; S "A" S-348)

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 (#290)**

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, 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

ABSENT: Senator: JACKSON

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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An Act Regarding Labor Contracts for Public Works Projects  
S.P. 378 L.D. 1257  
(S "C" S-318 to C "A" S-254)

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 (#291)**

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, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, HILL, HOBBS, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

ABSENT: Senator: JACKSON

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Resolves**

Resolve, To Establish the Blue Ribbon Commission on Affordable Housing  
H.P. 638 L.D. 841  
(C "A" H-511; S "A" S-333)

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act  
S.P. 251 L.D. 848  
(C "A" S-54; S "A" S-332)

Resolve, To Study Allocations of the Fund for a Healthy Maine  
H.P. 1144 L.D. 1558  
(S "A" S-336 to C "A" H-417)

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

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

House Paper

Bill "An Act To Provide Funding for the Reapportionment Commission"

H.P. 1191 L.D. 1588

Presented by Speaker NUTTING of Oakland.  
Cosponsored by President RAYE of Washington.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-677)**, without reference to a Committee.

**READ ONCE**, without reference to a Committee.

House Amendment "A" (H-677) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-677)**, without reference to a Committee, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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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 Amend the Motor Vehicle Laws  
H.P. 835 L.D. 1123  
(S "A" S-355 to C "A" H-291)

An Act To Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes  
H.P. 1028 L.D. 1399  
(S "A" S-360 to C "A" H-618)

An Act To Amend the Laws Relating to the Maine Public Employees Retirement System  
S.P. 485 L.D. 1524

**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 Provide Tax Relief for Maine's Citizens by Reducing Income Taxes

S.P. 252 L.D. 849  
(S "A" S-330 to C "A" S-308)

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

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An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations

S.P. 55 L.D. 205  
(S "A" S-342 to C "A" S-90)

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.

On motion by Senator **HOBBS** of York, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Ordered)

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An Act Regarding the Southern Maine Veterans Memorial Cemetery

S.P. 88 L.D. 299  
(C "A" S-14; S "A" S-344)

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I'd like to take a brief moment to thank the Appropriations Committee for their hard work on the funding of the Southern Maine Veterans Memorial Cemetery. Special thanks to Senator Hill and Senator Katz and Senator Rosen and the leadership on both sides of the aisle. I know that we had a very limited amount of money that we could deal with this and I just want to express a sincere appreciation.

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 Plowman.

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, if I could expound a little bit upon the former Senator's statement, I think that he should also extend a hand to the Chair of the Veterans and Legal Affairs Committee who picked up this ball from sessions past and moved it down the field. It was a priority of the committee. I know that he meant to thank her, so I thought I would stand up just finish his thought for him, as I often do. Thank you, Mr. President.

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



Senator **COURTNEY**: Thank you Mr. President. Men and women of the Senate, I absolutely appreciate the work of the Veterans and Legal Affairs Committee and I regret that I had to be corrected by our Whip.

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

Senator **SULLIVAN**: Thank you Mr. President. Men and women of the Senate, in case you are wondering, we've had the cemetery. We had nobody to take care of it. We had no workers. We passed this, we created this cemetery. It was a place in the southern part of Maine to bury our veterans. Ready to go. We neglected to do one small thing, and that is to have somebody take care of the cemetery and all of that. This gives us people to plow the roads and to cut the grass and to keep this place of honor for our veterans looking like a place of honor. I am indebted to not only the Veterans and Legal Affairs Committee but to the State for giving our veterans a place to lay in rest and now providing the people that will make it a sacred honor place. Thank you.

**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 (#292)**

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, 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

ABSENT: Senator: JACKSON

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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An Act Regarding Pharmacy Reimbursement in MaineCare  
H.P. 272 L.D. 346  
(S "A" S-345 to C "A" H-563)

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

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

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, this gives me one last shot at expressing vehement opposition to this bill. I think that it's going to cause a lot of heartache and a lot of suffering for our senior citizens and for others who live on set incomes, especially SSI or Social Security. This bill will require low income people on MaineCare to pay co-pays, \$3 co-pay, for all of their medications up to a cap of \$30 a month. That would leave them probably \$10 for all of their extra spending for all of the incidentals that they would need after that. I wanted to read the language in the amendment. There was a \$27,000 fiscal note on this bill and it was stripped off in the Appropriations Committee. It says, "The amendment removes the appropriation allocation selection and assumes the Department of Health and Human Services can absorb the one-time cost of implementing the MaineCare mandatory drug co-pay system. Changes within the Maine Integrated Health Management Solutions, that's MIHMS, also assume the potential for a decrease in MaineCare prescription drugs utilization and spending as a result of the implementation of this mandatory co-pay." That means, as I interpret it, that people who can't pay their co-pay will end up without their medications or will continue to ration their medications or not buy them because they don't have the dollars to buy them. It's going to be a choice between food or medications or heat. I just really have opposed this bill all along and wanted to say that. Thank you, Mr. President.

**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 (#293)**

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, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, HILL, HOBBS, PATRICK, SCHNEIDER, SULLIVAN

ABSENT: Senator: JACKSON

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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**Resolve**

Resolve, To Enhance Agriculture and Farming  
H.P. 1058 L.D. 1444  
(S "A" S-361 to C "A" H-533)

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

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

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

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**RECESSED** until 1:00 in the afternoon.

After Recess

Senate called to order by the President.

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

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The President requested the Sergeant-At-Arms escort the Senator from Knox, Senator **RECTOR** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **CHRISTOPHER W. RECTOR** of Knox County.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Resolve, Establishing the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts (EMERGENCY)  
S.P. 297 L.D. 951  
(S "A" S-334 to C "A" S-213)

In Senate, June 28, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-213) AS AMENDED BY SENATE AMENDMENT "A" (S-334)** thereto, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-213) AS AMENDED BY SENATE AMENDMENT "A" (S-334)** thereto, **AND HOUSE AMENDMENT "A" (H-678)**, in **NON-CONCURRENCE**.

On motion by Senator **HASTINGS** of Oxford, the Senate **RECEDED** and **CONCURRED**.

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**ORDERS OF THE DAY**

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

Resolve, To Enhance Agriculture and Farming  
H.P. 1058 L.D. 1444  
(S "A" S-361 to C "A" H-533)

Tabled - June 29, 2011, by Senator **COURTNEY** of York

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 28, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533) AS AMENDED BY SENATE AMENDMENT "A" (S-361)** thereto.)

(In House, June 29, 2011, **FINALLY PASSED**.)

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

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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 Prohibit the Sale or Possession of So-called Bath Salts Containing Dangerous Synthetic Drugs" (EMERGENCY)  
H.P. 1147 L.D. 1562  
(S "A" S-362 to C "A" H-586)

In House, June 10, 2011, **PASSED TO BE ENACTED**.

In Senate, June 28, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586) AS AMENDED BY SENATE AMENDMENT "A" (S-362)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586) AS AMENDED BY HOUSE AMENDMENT "A" (H-676)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **MASON** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (6/28/11) Assigned matter:

Bill "An Act To Establish Multidistrict Online Classes in Maine"  
S.P. 206 L.D. 675  
(C "A" S-304)

Tabled - June 28, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-304)**.)

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

On motion by Senator **HILL** of York, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-304)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-304).

On further motion by same Senator, Senate Amendment "B" (S-366) to Committee Amendment "A" (S-304) **READ**.

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

Senator **HILL**: Thank you Mr. President. This is a bill that has worked its way from committee through the various Chambers unanimously and then came to the Appropriations Table, at which point we thought it was appropriate to have a State Mandate Preamble put on. Since that time the good Senator Alfond from Cumberland had offered an amendment. I decided that it was a really good amendment and I wanted to take it up. This new amendment basically strips away language within this fine bill that would make it a State Mandate. I just want to quickly, if I may, say the reason I wanted to go forward with this amendment was because it's a bill that I feel opens great opportunities for Maine students by making on-line courses available to them. It's not a Mandate. It's strictly opening horizons for students throughout

the state through various school administrative districts. I think it's one that is worthy of going forward. Thank you.

On motion by Senator **HILL** of York, Senate Amendment "B" (S-366) to Committee Amendment "A" (S-304) **ADOPTED**.

Committee Amendment "A" (S-304) as Amended by Senate Amendment "B" (S-366) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-304) AS AMENDED BY SENATE AMENDMENT "B" (S-366)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by President Pro Tem **CHRISTOPHER W. RECTOR** of Knox County.

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

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by President Pro Tem **CHRISTOPHER W. RECTOR** of Knox County.

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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 Knox, Senator **RECTOR** to his seat on the floor.

Senate called to order by the President.

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Off Record Remarks

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**ORDERS OF THE DAY**

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

An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations

S.P. 55 L.D. 205  
(S "A" S-342 to C "A" S-90)

Tabled - June 29, 2011, by Senator HOBBS of York

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

In Senate, June 28, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-90) AS AMENDED BY SENATE AMENDMENT "A" (S-342)** thereto.)

(In House, June 29, 2011, **PASSED TO BE ENACTED.**)

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

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

**THE PRESIDENT:** The Senator may pose her question.

Senator **CRAVEN:** Thank you Mr. President. I'm confused because I don't know anything about taxes except having to pay them. I just wonder why a non-profit has to pay taxes to begin with?

**THE PRESIDENT:** The Senator from Androscoggin, Senator Craven poses a question through the Chair to anyone who may wish to answer. I believe there is a request that the Senator from Androscoggin restate her question.

Senator **CRAVEN:** Thank you Mr. President. I just understood that all non-profits were tax exempt, so I just wondered why this is allowing them to be tax exempt again?

**THE PRESIDENT:** The Senator from Androscoggin, Senator Craven 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 believe the answer to that question that the Senator just asked is that this expanded the definition for people that are participating at non-profit events. An example might be at a Summer camp. Somebody from a performing arts organization comes and gives demonstrations or a class or whatever. It allows that expansion of the definition to include that type of activity.

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

Senator **ROSEN:** Thank you Mr. President. Men and women of the Senate, just to elaborate on the response. Sometimes there is confusion with the terminology of non-profit and tax exemption. Actually non-profit status is a definition in the IRS tax code that refers to categories of different organizations that can apply for the non-profit status. As a result, they are exempt from primarily income taxes. Even though the non-profits terminology is a bit of a misnomer because they are free, actually, to earn what would commonly be thought of as profits; can retain earnings and any

other type of earnings, but they receive a special status under the federal tax code. What this bill proposes to do is to provide these non-profit organizations exemptions from sales tax. If they go and make a purchase, if they go to the hardware store to buy a paint brush, they would be exempt from paying the sales tax on that.

**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 (#294)

**YEAS:** Senators: ALFOND, BARTLETT, BRANNIGAN, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, KATZ, LANGLEY, MARTIN, MASON, PATRICK, PLOWMAN, RECTOR, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, TRAHAN, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

**NAYS:** Senators: COLLINS, MCCORMICK, ROSEN, THOMAS, WHITEMORE

**ABSENT:** Senators: DILL, JACKSON

28 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 2 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

#### ENACTORS

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

#### Act

An Act To Include Independent Practice Dental Hygienists in MaineCare

H.P. 58 L.D. 70  
(S "A" S-339 to C "A" H-49)

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

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#### ORDERS OF THE DAY

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

An Act To Provide Administrative Support to the Citizen Trade Policy Commission

H.P. 716 L.D. 972  
(C "A" H-249; S "A" S-353)

Tabled - June 29, 2011, by Senator COURTNEY of York

Pending - **ENACTMENT**, in concurrence

(In Senate, June 28, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249) AND SENATE AMENDMENT "A" (S-353).**)

(In House, June 29, 2011, **PASSED TO BE ENACTED.**)

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

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Senate at Ease.

Senate called to order by the President.

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The Honorable Paul R. LePage, Governor of the State of Maine, entered and addressed the Senate.

**GOVERNOR LePAGE:** Thank you very much. As the session comes to a close, I think it's important to reflect back over the last six months. Our mandate by the people of Maine was that they wanted to see change. They wanted to see reforms. For that, they put a Republican Governor, Republican Majority in the Senate, and Republican Majority in the House. In looking over the work that's been done in the last several months, I think there has been some great work done. I think some of the work that was done is excellent. I'm very, very pleased with the work that was done on L.D. 1. There was a lot of hard debate and some good compromises. I think the state is better for it. I think L.D. 1333 is, if I was to rate it, an A+ in my book. I think we've gone a long ways to lowering the cost of health care, particularly for the youth in the state of Maine so they can get into the system and they can get used to having insurance. Pension reform and tax reform, I think, are very, very good. I'm very, very pleased with the work that you've all done. I think that the budget we sent up, and with the work that was done in those areas and came, you've strengthened the process going forward, so I thank you all very much. I think there are a lot of things that need to be done. We can't forget that there is a lot to be done. We can't do it all in one session.

As you return home for the Summer speak to your constituents. I urge you all to please work with your constituents and speak to them because we are doing it on a monthly basis. We are getting an awful lot of feedback from all around the state on what people are really, truly looking for. The one area that I will tell you that I'll be coming back for in January is that I got a report yesterday that in 2010 we were ranked number twelfth in

the country with the highest electricity rates. I am not pleased to report that yesterday afternoon I received the latest report and we've climbed to number eight. The other New England states are slightly above us. We are way out of whack with the rest of the country. We are about 30% above the national average, as we speak today, before we add on all the state add-ons. I'm talking simply about energy transmission and distribution. We, as a state, have added on a fair amount of additional costs. I'm going to be looking at that very, very hard. Ken Fletcher and I are going to be working hard on that this Summer.

The other thing I'm going to ask you to think about, what we did in tax relief I think is very important to spur the economy. We've seen it already. We've had companies come in. We've got Carbonite, we've got ABS, and we're looking to reopen the mills in Millinocket. I will tell you, I met with the Counsel General in Japan and the first comment out of his mouth is that they'd love to put some plants here, but they can't afford our energy. I'm going to ask you to really, really look at that because it's vital.

We've lowered costs just slightly over last year. I think the budget net is about \$35 million less than it was last year, but we've made a significant reform in taxation. We're taking that on right now. We're going to be going this Summer and doing a complete zero-based approach to budgeting, and we're going to bring back a program because we know we have to make up some of the savings in the operations of state government, and we want to make it more efficient. We're going to need to lower spending. We cannot cut taxes without lowering spending because all you're doing is delaying the inevitable of increasing them again. I'd like to see those tax reforms stay for the long haul.

We're going to be back. There has been some real good work done on education. Steve Bowen, the Commissioner, is working with his department to make some major reforms to try to lower the cost of education while improving the quality and standards of our output. We'll be having some programs in those areas.

With that, there is one item that I'm going to ask, again, for in January. I would like you all to really check it because the current polls are showing in the 70% range. Fair share needs to go. We're negotiating. I understand that the union, MSEA, said, "Don't legislate it, it's a negotiable item." Well, this is what I've seen so far. Here's our current contract, please sign it for two more years. That's where we're at. Here's our contract for the last two years, please sign it. I don't see that to be fair negotiating. It's never going to be negotiated. If we're going to treat people fairly then we need to give my message to the unions, which is very simply, "Add value and people will come in flocks." If there is no value the fees that they collect then the only alternative is to force people to be in and I don't think that's the right way.

With that, I bid you all a good Summer. Rest up, and we're going to crunch you in January. Thank you all.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

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#### ORDERS OF THE DAY

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

An Act To Restore Equity in Education Funding  
S.P. 395 L.D. 1274  
(S "A" S-273 to C "A" S-240)

Tabled - June 29, 2011, by Senator **COURTNEY** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-240) AS AMENDED BY SENATE AMENDMENT "A" (S-273)** thereto.)

(In House, June 28, 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.

Senator **SCHNEIDER** of Penobscot who would have voted NAY requested and received leave of the Senate to pair her vote with Senator **JACKSON** of Aroostook who would have voted YEA.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I will try to be succinct, but there are some points that I would like to make sure the Body knows before we vote on this. Before we get into, potentially, pieces of this bill, I think if you step back and talk to your Superintendents, there are massive funding challenges happening in all of our districts throughout the state. We all are losing our ARRA funds. We all are losing job dollars that were put into play in all states to help teachers stay in the classrooms. Those two things are a constant. Now, when you add the potential of L.D. 1274, Superintendents are gasping. They are just struggling to figure out how to plan and how to go forward, knowing that there is another cut pending for many districts across the state.

My second point, I wasn't here when EPS was created, but today I can see, potentially, why it was created. The politics behind this bill is probably as strong as any bill that I've seen in my three years here. Everyone is looking at spreadsheets, including myself. Everyone is looking at winners and losers, because this is the first time in EPS's history that a legislature is going in and changing parts of the formula. When that happens, you start moving money around. You start moving around for a reason, and that's what we have in L.D. 1274. We now have injected politics into the funding formula for the first time and now, going forward, we've set a precedent. I, being in the Minority, hope at one point before I'm termed out that I'm in the Majority. Today's vote, if passed, will set the precedent for when I, potentially, am in the Majority to start saying, "How do I start working with the funding formula to correct or to possibly bring more dollars to parts of the state that I want?" I think that is a terrible precedent to be setting.

Third point, I don't think this is helping K-12 education, statewide, at all. Who are going to be the true losers? It's going to be students. It's going to be teachers. It's going to be administrators. It's going to be our communities. All of a sudden those four sub-groups will be faced with a task of figuring out how to fund their school with less dollars. Does that mean cutting

teachers? Does that mean cutting programs? Does that mean raising local property taxes? Those are your three choices in communities today that are going to be losing. I would argue the state is losing today because of the precedent that this bill sets.

I'd also, potentially and fearfully, start getting ready for those of us, and there are 28 of us, in this Senate Chamber that either lose entirely or have districts that have some winners and some losers. For those 28 of us, fearfully and sadly, get ready for pink slips. Get ready for pink slips in your districts because, again, there are only so many options that districts will be able to do in 2012 - 2013. One of them is cutting teachers and administrators; hard working people that help make sure that your K-12 school is successful. Speaking of the 28 of us, I'm still confused on how I'm going to go back to my district after today's vote and tell them, "Mr. Superintendent or school committee, \$922,000 are gone from our district. I did everything I could, but I came out on the short end of the stick. Prepare for this gift and now we have \$922,000 that you have to cut from the City of Portland." This is coming off of hard budgets in 2008 - 2009. Hard budgets in 2009 - 2010. Hard budgets that will be put in place for 2010 - 2011. I'm not alone. There are 27 others of you that are also going to have to have those tough conversations. It's not going to be pretty. In fact, I think it's going to be very, very challenging.

My last point that I will make is that these changes in the EPS formula, whether you like EPS or not or whether you thought your EPS was fair or not, these are permanent changes. Good President Raye has argued that everyone is still going to get money through this bill, if Enacted. I hope there is never a time when we're not putting more money into EPS, but when that day comes, when there is money not going into EPS, the effect of this bill will hit your communities even harder. We are now creating a permanent change in EPS that is not going to go away. Yes, it's masked this time by \$19 million going in, but that's not always going to be the case. In fact, if it's ever lower than the \$6.3 million going into EPS, the challenges for all of our districts will be even harder. I truly hope that people will show courage today, understanding what the implications of this means, not only in the short term in 2012 and 2013, not only in the long term when we look at future budgets, but the precedent that we are setting today in this Chamber. Thank you, Mr. President.

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

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I, too, hope members of this Body will show courage today and recognize that the proposed changes to the EPS formula were not just pulled out of a hat, but made logical sense and correct a situation in the law that now exists. If you take another look at it, you would say it makes sense. One of the big changes in this law, one of the main changes this law makes to the formula is to remove the benefit costs for teachers from the calculation of salary cost included in the regional adjustment that the formula makes for each school district's salaries. The fact that benefits were included that were subject to regional adjustment, I would hope we would all agree, is nonsensical because every district pays essentially exactly the same benefits. It's the salary where there is a regional difference, and that also makes some logical sense. To remove the benefits from that and say we shouldn't count that, that we shouldn't subject benefit costs to a regional adjustment. What would make more sense? Ladies and gentlemen, I, too, would ask you all to

show the courage to say that this is not just a bold grab at money. This is a thoughtful, very, very small minor change to the EPS formula, which I believe we heard earlier that amounts to a shifting of something like three-tenths of 1% of our education funding, done so at a time and in a manner that no district will actually receive less money than in an ensuing year because of it. Ladies and gentlemen, please show the courage to benefit those school districts, even if they are not your own, who are suffering under these small inequities in the system. Let them benefit. Let these changes, which make logical sense, take place. This is not the end of EPS and the EPS formula. This is not the end of school funding as we know it. This is a very minor, small adjustment which will benefit certain school districts, admittedly one of mine, who has found itself with virtually no funding from the State because of the EPS formula; a district of poor, well not poor but certainly low income, relatively low income, high unemployment district. How do I tell them, I would ask you. How do I tell those people in those towns that the State has no sympathy for them? To go at it on their own. The fact that they're not going to receive one more nickel over the next biennium in spite of the fact that substantial monies are going in from the original budget and an additional \$19 million of funding. In spite of that, they are receiving not one more nickel. Once again I would argue that we are not doing this simply as a grab, but as a very logical adjustment to the formula. Men and women of the Senate, I urge your support of the pending motion. Thank you.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today in opposition and in a respectful disagreement with my good friend and colleague of Oxford County. This is hardly a small change for the people in my district. A small change is not something that is worth \$200,000; \$200,000 is taken away from my school districts, ones that are reducing their budgets, ones that hope to just maintain the status quo, and to do that, in meetings I recently attended, they talk about raising taxes. Our budgets are dynamic systems. They require increases due to inflation. The good Senator from Cumberland talked about the ARRA funds and articulated how complicated it is for taxpayers in those towns to maintain the status quo in our schools. Frankly, the status quo is not even good enough. Now we're going to be asking the property taxpayers in District 19 to pay \$200,000 more. I'm just one of 28 in this Chamber that are being impacted. I think we should think long and hard about this. I feel very strongly that this was not a thorough debate and I think many people are going to be very surprised when this law goes into place. Lastly, Mr. President, just a few weeks ago I said that we passed a very respectable and bi-partisan budget, but we have to think about the totality of our actions and it is bills like this that are going to sneak up on people. When you start putting one on top of another, people are going to be very disappointed, especially in the area of education. Thank you, Mr. President.

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

Senator **BARTLETT:** Thank you Mr. President. This may be a small adjustment to EPS, but it's a small adjustment with extraordinarily huge consequences. I have trouble understanding

the logic behind this. We seem to be saying that if you have a district with under 1,200 students we're going to increase your staffing ratios. Put another way, we're saying if you are in a school district with declining populations, or a small population, we're going to take money from growing schools and give it to you to hire more staff. Taking money from growing schools to give them to shrinking schools I don't think makes a lot of sense. It's not logical to me and I think it won't be logical to most of Maine people if they try to understand it. This would be one thing if we had reached our 55% target and were then infusing additional money on top of that. We'd say, "Look, let's see what we can do on top of that additional funding." We're not. We're using the new money in the budget as a slight of hand because that new money is still keeping us well short of the 55%. That is simply another down payment towards that 55% of current EPS. Under the current formula, you can look at what your schools should have gotten out of that additional money based on the law, based on what we put in place, in a bi-partisan way, several years ago. Instead we're taking money out of that and sending it to schools with declining populations. Everyone in Maine deserves a good education, but you shouldn't be doing it by twisting a formula and try to move money around. As I said during the original debate on this bill, if we think it's important enough then we should be doing it outside of EPS. We should be doing it as some other add on and funding it, not by pulling money out of this formula that is going to hurt so many schools. I know when my school districts, which are all growing, lose that \$850,000, there is a teacher that is not going to get brought back and that's a program that is going to have to be cut. The questions that I get are; why in the world are you taking money away from us? We have more students this year than we had last year. Why are you giving that to a school district that has fewer students this year than they did last year? It just doesn't make sense. Let's do this responsibly. This is just pitting parts of the state against each other and I think it is something that will come back to haunt us. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, having chaired the committee that heard this testimony, there often times when you are in public hearings there are folks that come to testify that cut right to the chase. I have to say that folks from Downeast do that very well. I said the last time this debate came, the testimony of the year for me came from a selectman from Jonesport by the way of Bimbo Look who came here. He took a day off the water as a lobsterman, to come down and say to us, "We are down to melting our gold balls to fund education. We have nothing left." They receive \$89 per student in state aid. This bill looks to correct that and it needs to be supported. Thank you very much.

**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 (#295)**

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

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFKY, GOODALL, HILL, HOBBS, SNOWE-MELLO, SULLIVAN, THIBODEAU, WOODBURY

ABSENT: Senator: DILL

PAIRED: Senators: JACKSON, SCHNEIDER

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators having paired their votes and 1 Senator being absent, was **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:

**ENACTORS**

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

**Emergency Mandate**

Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports  
H.P. 84 L.D. 98  
(S "A" S-340 to C "A" H-519)

Comes From the House, **FAILED FINAL PASSAGE.**

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and signed by the President, in **NON-CONCURRENCE.**

Sent down for concurrence.

**Mandate**

An Act To Require the Inclusion of a Financial Statement on School Administrative Unit Bond Obligations When Voting on a School Construction Project  
H.P. 275 L.D. 349  
(S "A" S-346 to C "A" H-124)

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

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President, in **NON-CONCURRENCE.**

Sent down for concurrence.

**Mandate**

An Act To Provide a Property Tax Exemption for Family Burying Grounds

H.P. 816 L.D. 1081  
(S "A" S-354 to C "A" H-476)

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

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President, in **NON-CONCURRENCE.**

Sent down for concurrence.

**Mandate**

An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled  
H.P. 888 L.D. 1197  
(S "A" S-356 to C "A" H-571)

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

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President, in **NON-CONCURRENCE.**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.



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

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Senate at Ease.

Senate called to order by the President.

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

**ENACTORS**

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

**Mandate**

An Act To Prohibit Bullying and Cyberbullying in Schools  
H.P. 928 L.D. 1237  
(S "A" S-357 to C "A" H-570)

Comes from the House, Bill and accompanying papers  
**COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

On motion by Senator **LANGLEY** of Hancock, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570) AS AMENDED BY SENATE AMENDMENT "A" (S-357)** thereto.

Same Senator moved the Bill and accompanying papers be **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

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

Senator **BARTLETT:** Thank you Mr. President. I will not oppose the pending motion, but I did want to make just a couple of comments on the record about this bill because I do think it's extraordinarily important. I was worked extraordinarily hard by the Education Committee, who I think produced an outstanding product that received overwhelming support in both the House and the Senate prior to today. This bill simply would have required the Department of Education to adopt a model policy around bullying and cyberbullying in our schools. School districts would then be required to adopt the policy by 2012. There is a Mandate Preamble on it because we are requiring school districts to do something, but the cost is pretty insignificant. All they have to do is take the DOE policy and adopt it as their own. That's administrative. If they want to go further and develop their own policy, they are free to do it. The cost is pretty insignificant. In fact, a few years back we passed legislation requiring a model policy be adopted that included bullying provisions. Given the problems we've seen, both in Maine and around the country, around bullying of our students and suicides by our students, we

just wanted to flush this out a little bit more because school districts have said they would like more guidance on how to identify bullying, particularly with the advent of cyberbullying, and deal with it. It's extraordinarily unfortunate that, on the eve of enactment, it has fallen short in the House. I do hope that the Education Committee will go back to work and will recommit to putting this bill forward. Our kids need it and they deserve it. Let's hope this is just a hiccup in the process that doesn't end up defeating legislation that I think is some of the most important work we've done here. Thank you, Mr. President.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I will support this because, from what I can see, it's the only way to keep something alive. I would ask that each and every one of you go on the internet, or when you get home at 6 o'clock tonight when you leave these doors, and go home and look up the number one cause of middle school children committing suicide. Bullying. Bullying as to their sexual orientation. Bullying because they're too smart, not smart enough, don't have the right clothes, or don't live in the right area. It is horrendous. To adopt a policy to simply be sure that there is an awareness of what's going on in our schools. These kids take home laptops that are provided by the State of Maine, in some school systems. Middle school age is where they start them, 7<sup>th</sup> and 8<sup>th</sup>. How do we explain this? How do we tell a parent that just had a child commit suicide? If you don't think it doesn't happen in Maine, I suggest you take a look at an awful lot of the news. Just Google middle school or high school suicides, State of Maine, and you will see them. I am disappointed. This is an important bill. It's an important bill to protect our young people. We failed, unfortunately. It needs to be committed. Until you face the family and you hear them say that the child won't come to school any more because they are afraid, they can't take the pressure. They go on Zoloft. They go on any of those things. I've seen it. Kids can be cruel. Sometimes Senators can be cruel, but I digress. We need to be sure that we commit this and we get it back and we make sure we can override anything we need to. Our kids demand that and parents expect to be able to send their children to school and be safe there and then to come with school property, in many cases, and to be safe there. To do any less, we fail. I begrudgingly will support this because it is still not what we should have done. Thank you, Mr. President.

On motion by Senator **LANGLEY** of Hancock, Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

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Off Record Remarks

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

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Off Record Remarks

**ROLL CALL (#296)**

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

**ENACTORS**

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

**Emergency Measure**

An Act To Correct Errors and Inconsistencies in the Laws of Maine

H.P. 1089 L.D. 1480  
(H "A" H-657, H "B" H-667,  
H "C" H-668, H "D" H-669,  
H "E" H-670; H "F" H-674  
to C "A" H-656)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

**Acts**

An Act To Amend the Maine Certificate of Need Act of 2002

H.P. 286 L.D. 360  
(H "A" H-661 to C "A" H-625)

**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 Allow a Student Attending Private School Access to Public School Cocurricular, Interscholastic and Extracurricular Activities

H.P. 662 L.D. 903  
(CC "A" S-331)

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.

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

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, GERZOFKY, GOODALL, HILL, HOBBS, PATRICK, SCHNEIDER, SULLIVAN

ABSENT: Senators: DILL, JACKSON

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being absent, was **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 Make Certain Prescription Drug Disclosure Laws Consistent with Federal Law

H.P. 530 L.D. 719  
(C "A" H-647)

On motion by Senator **DIAMOND** 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 (#297)**

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

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, GERZOFKY, GOODALL, HILL, HOBBS, PATRICK, SCHNEIDER, SULLIVAN

ABSENT: Senators: DILL, JACKSON

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being absent, 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.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Prohibit the Sale or Possession of So-called Bath Salts Containing Dangerous Synthetic Drugs

H.P. 1147 L.D. 1562  
(H "A" H-676 to C "A" H-586)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act To Provide Funding for the Reapportionment Commission

H.P. 1191 L.D. 1588  
(H "A" H-677)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Act**

An Act To Allow Table Games at a Facility Licensed To Operate Slot Machines on January 1, 2011

H.P. 1044 L.D. 1418  
(H "B" H-659; H "D" H-675  
to C "A" H-522)

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

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**Resolve**

Resolve, Establishing the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts

S.P. 297 L.D. 951  
(S "A" S-334 to C "A" S-213;  
H "A" H-678)

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

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired

H.P. 572 L.D. 765  
(C "A" H-130)

Tabled - May 11, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 10, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130)**, in concurrence.)

(In House, May 11, 2011, **PASSED TO BE ENACTED.**)

On further motion by same Senator, **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

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

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

An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes

S.P. 252 L.D. 849  
(S "A" S-330 to C "A" S-308)

Tabled - June 29, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 16, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308) AS AMENDED BY SENATE AMENDMENT "A" (S-330)** thereto.)

(In House, June 29, 2011, **PASSED TO BE ENACTED.**)

On further motion by same Senator, **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Sent down forthwith for concurrence.

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

An Act To Provide an Income Tax Credit for Persons Engaged in Commercial Forestry

S.P. 100 L.D. 338  
(H "B" H-339)

Tabled - June 28, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 16, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-339).**)

(In House, June 28, 2011, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-339).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "B" (H-339) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "A" (S-367) **READ.**

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

**Senator ROSEN:** Thank you Mr. President. I just want to make the membership aware that this amendment replaces the per employee income tax credit amount and reduces it from the original amount in the bill of \$2,500 to a maximum credit of \$1,000 and delay application to tax year beginning on January 1, 2013.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-367) **ADOPTED.**

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-367)**, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Protect Public Safety in the Operation of Casinos  
H.P. 473 L.D. 643  
(C "A" H-547)

Tabled - June 8, 2011, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 7, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547)**, in concurrence.)

(In House, June 8, 2011, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-547), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-368) to Committee Amendment "A" (H-547) **READ** and **ADOPTED.**

Committee Amendment "A" (H-547) as Amended by Senate Amendment "A" (S-368) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547) AS AMENDED BY SENATE AMENDMENT "A" (S-368)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Support Resource Sharing among Maine Libraries  
H.P. 767 L.D. 1033  
(C "A" H-225)

Tabled - May 23, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225)**, in concurrence.)

(In House, May 23, 2011, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-225) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "A" (S-369) **READ.**

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

Senator **ROSEN:** Thank you Mr. President. This bill originally was proposed to provide ongoing funding to support weekly van delivery of library services of \$100,000 in each year of the biennium. The amendment removes the funding for FY 12 and leaves in place the \$100,000 in FY 13.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-369) **ADOPTED.**

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-369)**, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Legalize the Sale, Possession and Use of Fireworks  
H.P. 71 L.D. 83  
(S "A" S-326 to C "A" H-582)

Tabled - June 29, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 16, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582) AS AMENDED BY SENATE AMENDMENT "A" (S-326)** thereto.)

(In House, June 28, 2011, **PASSED TO BE ENACTED.**)

On motion by Senator **DIAMOND** 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 (#298)**

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

**NAYS:** Senators: BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, GERZOFKY, GOODALL, HILL, LANGLEY, RECTOR, SCHNEIDER, SULLIVAN, WOODBURY

**ABSENT:** Senators: ALFOND, DILL, JACKSON

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act To Clarify the Collection Process for the Commercial Forestry Excise Tax

H.P. 681 L.D. 921  
(C "A" H-484)

Tabled - June 7, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-484)**, in concurrence.)

(In House, June 7, 2011, **PASSED TO BE ENACTED.**)

**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.

Off Record Remarks

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

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

Off Record Remarks

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

Off Record Remarks

**RECESSED** until the sound of the bell.

After Recess

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 Establish Multidistrict Online Classes in Maine"  
S.P. 206 L.D. 675  
(S "B" S-366 to C "A" S-304)

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

In Senate, June 29, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-304) AS AMENDED BY SENATE AMENDMENT "B" (S-366) thereto, in NON-CONCURRENCE.**

Comes from the House, Bill **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE.**

On motion by Senator **LANGLEY** of Hancock, 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**

Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports (EMERGENCY)

H.P. 84 L.D. 98  
(S "A" S-340 to C "A" H-519)

In House, June 29, 2011, **FAILED FINAL PASSAGE.**

In Senate, June 29, 2011, **FINALLY PASSED.**

Comes from the House, Resolve and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE.**

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

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

Off Record Remarks

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

Senator **DIAMOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, if you'd permit me to be a little serious just for a very brief moment. I just wanted to bring you all up to date on the issue that we've been following for a long time, and

that is the \$48 million contract the State of Maine has with Harris Company for the new radio system for the State of Maine. We've been working on this, as I said, a little over two years. This contract calls for 302 new frequencies to be approved by the FCC by this December. Right now there have only been 40. My contention, and others, since this had started with this contract, was that they would not get all of those FCC approvals. If that is the case then that \$48 million would be in jeopardy. We are making payments. I just wanted to put that on the record, Mr. President. If we come back again, which I suspect we will at some time between now and December, I'll give another report because what I don't want, and none of want, is to have another MECMS, which is the HHS computer system that cost us \$60 million which we lost, or other computer systems. The Appropriations Committee would be able to look at this during the Summer and ask those questions. Again, only 40 of the 302 frequencies have been approved by the FCC and we need to keep an eye on that. Thank you, Mr. President.

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RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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Senator **HOBBS** of York was granted unanimous consent to address the Senate on the Record.

Senator **HOBBS**: Thank you Mr. President. Men and women of the Senate, let me just say that this has been a very memorable session. We started out with whoopie pies and ended up with Speedos and guns. As many of you know, I've been involved in politics for a while now and can appreciate the highs and lows that come with the political game. This session showcased a new brand, a new ballgame, in Maine politics. With the Republican controlled Executive Branch and Legislature, the results of November's election really shook up the political scorecard between Democrats and Republicans in Maine. For me, as a Democrat, the November election was fisticuffs, but I always respect the decision of Maine voters. I was fortunate to have survived, to have earned the trust and confidence of the electorate in my district, and appreciate their support over the past four terms.

This session has been unique for me, and not just because it will be my last. It is unique for me, personally, because I was honored and privileged to be picked to be the Democratic leader by my colleagues. This is an honor and is one that I take very seriously. Early this year I was interviewed by an out-of-state newspaper by a reporter who, basically, informed me, which I didn't really ever think about, that the position I held as the Senate Democratic Leader, because of the change of the political landscape, put me in a position of, which I was kind of surprised to even think about, as being the highest ranking Democrat official here in the State of Maine who was elected. As a New England sports fan, I am likened this leadership role, or tried to anyways, with my Assistant Leader, to be somewhat of a manager and head coach. Similar to the sports world, when your team loses, you need a leader who will keep the team focused

and ready to come back, fight, and win the next game. Like all good teams, it is important to reflect on the strengths and the weaknesses of the team. For the Democrats of the Senate, I am honored to stand beside my Democratic colleagues in this Chamber.

As I look around, we literally hold representation from the most Northern district of our state to the most Southern district, and in between. This Senate Democratic team consists of small business owners, a furniture manufacturer, teachers, retirees, a maintenance worker, attorneys, a real estate developer, social service administrators, and a logger. We are truly representative of the people of Maine. Although we come from different backgrounds and parts of the state, all of us share a common vision; to make Maine the best place to live, work, and to visit. This is a vision I know that we share with our counterparts across the aisle.

This session may not have lasted longer than a baseball season of 162 games, but I think we can all agree that, at various times throughout the session, it sure felt that way; that we had battled through a full season. The voters placed with us a tremendous amount of trust this session. The people of Maine have been making tough decisions at home, just as we have here in the Legislature. We are facing tough times, not only in Maine, but across the country. Fortunately the people of Maine are known for their resolve and I am confident that our state can work its way through to a stronger economy. As public servants, it is our job to find solutions to the challenges facing our state. To accomplish this, both parties have to operate with a spirit of cooperation and good faith to solve the State's financial problems, to make government more efficient, and to create an environment more conducive to job creation. I believe we did that. It was only by extending that trust to one another that we were able to meet the extraordinary challenges of our time. Just like helping our neighbors in a time of need, we had to work hard and work together. By doing so, we were able to reach bi-partisan support for a \$6.1 billion State budget. We fully supported two supplemental budgets and a transportation budget. We removed barriers to Maine businesses through the regulatory reforms of L.D. 1.

Mr. President, I would like to thank you for your leadership and openness to working with us to achieve these accomplishments. It has been a pleasure to work with you this session, Mr. President. I'm proud to call you my friend. It has also been a pleasure to work with the rest of your leadership team. The good Senator from York, Senator Courtney, and the good Senator from Penobscot, Senator Plowman, have done a commendable and extremely good job of leading the Majority Party. I appreciate your respect and willingness to work with us, even during some heated moments. Make no mistake, this legislative session had some of the more difficult challenges we have ever seen in a long time here in this state. It required parties working together and putting politics to the side; Democrats, Republicans, and even our good friend and lone Independent from Cumberland County, Senator Woodbury. I want to thank Senator Woodbury for his openness to work with us throughout this session.

Lastly, I want to give special thanks to my seatmate, who is in his proper place right now at a birthing class with his wife, Rachel. It has been a real honor to work with him this session. We have become friends and he has done a great job fighting for what is important to Democrats. In this session, we have proudly stood up for what we believe in. We have fought to support

Maine businesses and create jobs, protect workers' rights, ensure constitutional and social rights, and to preserve the environment and our quality of life. We have fought for the investment in our educational opportunities, insure access to affordable health care, and protect our state's most vulnerable citizens.

Before I close, I also want to give my sincerest appreciation to the amazing staff in the Democratic office. Thank you to Ted Potter, Joy O'Brien, Marsha Homstead who has said to me that it takes a village to keep me organized and I thank her, Ericka Wainberg, Dan Shagoury, Mike Dunn, Darek Grant, and Alex Pringle. They are all the all stars of our team. Again, it has been a memorable session. Even though we are in our final day of the session, we stand ready to continue the good work for the people of this great state. It has been a privilege to work with all of you here in the Senate and I thank you, Mr. President.

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

Senator **COURTNEY**: Thank you Mr. President. Men and women of the Senate, it's always a challenge to go after my good friend from York, Senator Hobbins, but there are a few things I'd like to put on the record tonight. It really has been an honor to serve as your Majority Leader this session. The real honor is the fact that you look around, and I look around, our caucus and we knew from day one that the only strength that we had was the strength that was given to us, as leaders, by the caucus. As I look around and I see our 20 in their seats, in the last minutes of session, it brings great pride and honor. Thank you.

Mr. President, I'd like to commend you for the way that you have handled this caucus. You have set a new level for the way the presidency of the Maine Senate should be handled. You have developed consensus. You have been respectful to all of us. You've been respectful to people that disagree with you, and once in a while that would even be me. You've done it in an honorable way that will last long after we're all gone.

On a lighter note, we know that sometimes in this building we have a little fireworks. Mr. President, with your permission, I'd like to break one of the rules of the Senate, and present this to my good friend, Senator Hobbins, so he can have a little bit of fireworks. We understand our Chief of Staff has already left, so we don't have to worry about her lighting it.

Mr. President, ladies and gentlemen of the Senate, we made a promise a couple of years ago as Republicans. We made a promise that if we were in control we would have a government that is caring, responsible, efficient, affordable, transparent, and effective. While I'd like to stand here and take all the credit because we're Republicans and we won and here we are, I cannot because the accomplishments that we've had this session could not have been done without the Minority Party. It truly has been an honor and a privilege to serve with all of you. Regulatory reform, they said we couldn't do it, but Seth Goodall and Tom Saviello put their heads together and said, "I'll bet we can," and they did it. Thank you, because the people of Maine are much better for that because we didn't just pass regulatory reform, we passed a bill that changes the culture of state government; a bill that sent a message to the people of Maine that we're committed to making Maine a good place to create jobs. That isn't a party issue. That's a belief that all of us had and we often had different ways to get there. We passed health insurance reform. That was

as contentious as any bill and we fought passionately on it. I will say that special credit goes to the President because he didn't just want to see Republican health insurance reform, he wanted to see a bi-partisan effort. He worked hour after hour after hour, and even many of the people who voted against health insurance reform were part of the actual process and part of the final bill. That's consensus. That's working together so you come up with a better idea than either side thought possible. Mr. President, thank you. Maine is a better place because of your patience. Someday maybe your patience will even rub off on me. We've only got another year together so it probably won't.

We talked about some transparency. Under the leadership of Senator Katz and Senator Hill and many of the others on the OPEGA committee, we took on the Maine Turnpike Authority. We said if we want to take the Maine Turnpike Authority into the next level we have to clean up the abuses that are going on there. We have a transparent process going forward.

The budget, they said we couldn't do it. We got the Governor's budget, we got the Governor's change package, and they said there was no way we're going to do that and we had to run a Majority budget. The President and leadership said they were not going to run a Majority budget, that doesn't honor the institution. We put our faith in Senator Rosen, Senator Katz, and Senator Hill and the leadership on the other side. We said, "We're going to stay in the room and we're going to work it out." If there ever was an example of how working together can make something so much better, that is it. It buys the ownership, not the ownership of us, because this isn't about us, it's ownership of the people of Maine. We increased funding to education. We have pension reform. We have tax policy that will encourage economic growth. We have welfare reform. We've paid our hospital debt. If you look at the accomplishments of this session, they are absolutely amazing. They said we couldn't do it. You know what? Republicans couldn't have done it. Democrats couldn't have done it. Together we were able to do it. I think when history looks back at our little snapshot here, I think they are going to look fondly on us. We made the tough decisions. We stood up to the special interests. Maine will be better for it.

I'd also like to really thank the people that support us. The chamber staff, you guys are fabulous, especially when you borrow Senator Plowman's notepad. I don't know which one of you has been writing those notes. I'd also like to thank our staff in the Majority Office and in the President's Office and Chief of Staff, Sara Vanderwood. You guys are absolutely amazing. It's kind of amazing to come to work and you think it and they go and do it. You don't even have to say it half of the time. The sacrifices that they have all made for us. It's been truly amazing.

Maine has avoided many of the other difficulties that other states have faced with these budget processes and through the challenges of the national economy. You look at what's going on in other states like Wisconsin and Illinois. We're just not like that. I think it really is a credit to all the members here because it's not about an individual member, it's about the people that sent us here. We've laughed together. We've cried together. We've fought and we've fought some more. Overall, this family, the Maine Senate, is committed to doing what is right for the people of Maine. Mr. President, it's my pleasure to have been a big part of it.

I'd also like to thank the Assistant Republican Leader. It's been an honor and a privilege to serve with Debbie Plowman. She keeps me in line. She might even interrupt me. Typically that is what happens. I know she tried to compete with Senator



Trahan for the "Being in the Seat the Least" award, but she was usually bringing one of our guys in. She has a knack for really having an idea about what's going on and what's going on behind the scenes, which, as most of you know around here, is how things really happen. Her instincts and friendship I can never repay.

I guess I'd be remiss if I didn't mention the Chief Executive. The Chief Executive challenges us. That's a good thing. Sometimes you have to be able to say no. Sometimes you have to be able to shake things up. You also have to know when to take a win. I believe that the outline of the Chief Executive gave us in the beginning of session and with the budget, by being willing to take on the difficult issues, enabled us to be where we are today. I'm sure he will continue to stir things up and we will continue to be deliberative and work with him because I don't think anyone can say Maine isn't a better place today than it was when we got here in December. With that, Mr. President, I want to thank you and thank all of you.

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

Senator **PLOWMAN**: Thank you Mr. President. Men and women of the Senate, since I was told today that I was still one of the longest speakers in the Senate, I thought I worked so hard to avoid that title and now, since there is no use trying to avoid it, I would speak again tonight. I want to thank my caucus for giving me the opportunity to sit in this seat. I know for some of you it was a stretch. I love this institution and the fact that you gave me the chance has made me be a better person this year and encouraged me to work more closely with colleagues on the other side of the aisle. I enjoy working with Jon and Kevin and I enjoy very much working with Senator Hobbins. People that I used to fight with I find that I can find common ground with. I see Senator Sullivan has left, unfortunately. Dishonoring this institution is nothing that I would ever think of doing. Sitting in this seat has been an incredible experience for me. I strive hard to work towards being in the role that you've given to me, but I have great role models, including my seatmate, Senator Courtney, who has grown incredibly since I first met him 10 years ago; Senator Raye, who was my boss 25 years ago; and Senator Hobbins, who I've known for a very long time. As much as we disagree, we never ever make it personal. You have all done incredible work this year. Growing into the roles as Chairs, growing into the roles with brand new Senators. People who were Chairs and had to adjust incredibly to the new roles. There were times when it was rough, and we kind of maybe grated on each other. I'll tell you what, it's just like a family. I had a gentleman send me an e-mail about how poorly he thought we got along. I really took that hard. I said, "We fight like crazy, but when we walk out the door we're talking with each other. We want to know how each other is doing." Tonight we'll wish each other well. I put this in my e-mail. When we adjourn we'll be asking each other, "When you drive through my town, don't you not stop. Make sure you call." We'll be following up on Seth's baby. We'll be asking about how other things are going on. No one here wishes ill on each other. I don't like that people think that we do. We disagree, but this is the most wonderful process in the world. There are people who die trying to have what we have; a peaceful way of actually deciding how we will move forward. We accept the votes, maybe not

happily, but it's how it works. No one dies. No one bleeds. Believe it or not, there are no fist fights. People expect that we are out here tearing each other up all the time, but we're not. Do we get along? Yes, we do. Do we get along well? Not all the time. I'm very proud of this institution. I'm very proud of the people I serve with. I don't ever want to disappoint any member of this Body in the way I behave or the way any of my Senators behave. They can tell you that I coach them pretty hard. Right, Senator Katz? Having been here since 1992, I've developed a great love for this and I see that other people that have been this long do to. I want to pass that on to the people coming forward because that is their job to pass it on when they leave. I have enjoyed working with all of you. We have done incredible things this year. Hopefully they will all pan out as we expect, but it is with great hope and great expectations that we leave here and look forward to seeing what the fruits of our labors will bring. Thank you. I appreciate you letting me speak.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Protect Public Safety in the Operation of Casinos  
 H.P. 473 L.D. 643  
 (S "A" S-368 to C "A" H-547)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Acts**

An Act To Provide an Income Tax Credit for Persons Engaged in Commercial Forestry  
 S.P. 100 L.D. 338  
 (S "A" S-367)

An Act To Support Resource Sharing among Maine Libraries  
 H.P. 767 L.D. 1033  
 (S "A" S-369)

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

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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. 1190

ORDERED, the Senate concurring, that the following specified matters be held over to any special and/or regular session of the 125th Legislature.

**Agriculture, Conservation and Forestry**

H.P. 288, L.D. 362 - Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River

H.P. 821, L.D. 1109 - Resolve, To Target Job Creation in the Agricultural Sector To Improve the Stability and Economic Strength of Rural Maine

H.P. 832, L.D. 1120 - An Act To Move the Land for Maine's Future Program to the Department of Agriculture, Food and Rural Resources

**Appropriations and Financial Affairs**

S.P. 36, L.D. 63 - An Act To Authorize a General Fund Bond Issue To Repair the Mountain Division Rail Line

H.P. 93, L.D. 111 - An Act To Authorize a General Fund Bond Issue To Fund Large-scale Marketing and Research and Development for Bulk Sales of Maine Seafood Worldwide

S.P. 76, L.D. 225 - An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 To Fund Research and Development

H.P. 216, L.D. 263 - An Act To Authorize a General Fund Bond Issue To Fund Construction of a Marine Technology Incubator Facility at the Gulf of Maine Research Institute

H.P. 285, L.D. 359 - An Act To Authorize a General Fund Bond Issue for Wastewater and Drinking Water Revolving Loan Funds

H.P. 307, L.D. 381 - An Act To Establish a New Method of Determining the State Budget

S.P. 112, L.D. 399 - An Act To Authorize a General Fund Bond Issue To Fund LifeFlight

H.P. 327, L.D. 409 - An Act To Authorize a General Fund Bond Issue for Research and Development for Technology Advancement

S.P. 121, L.D. 417 - An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine

S.P. 124, L.D. 420 - An Act To Authorize a General Fund Bond Issue To Fund Building a Container Port on Sears Island

H.P. 363, L.D. 470 - An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Bulkhead at the Gulf of Maine Research Institute

S.P. 146, L.D. 513 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To More Equitably Fund the Liabilities of the Maine Public Employees Retirement System

S.P. 157, L.D. 565 - An Act To Provide Funding for the World Acadian Congress

S.P. 234, L.D. 741 - An Act To Authorize a General Fund Bond Issue To Invest in Water and Sewer Infrastructure To Protect Public Health and To Facilitate the Expansion and Growth of Business

H.P. 584, L.D. 777 - An Act To Authorize a General Fund Bond Issue To Expand Necessary Capital Improvements at the University of Maine System That Support the Critical Disciplines of Science, Technology, Engineering and Math To Enhance Economic Development and Employment Opportunities for Maine Citizens

H.P. 603, L.D. 807 - An Act To Repeal the Bonding Authority of the Maine Governmental Facilities Authority

H.P. 625, L.D. 829 - An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future and Training Facilities in Labor Market Areas with Higher than Average Unemployment for Tourism-related Training

H.P. 639, L.D. 842 - An Act To Authorize a General Fund Bond Issue To Support Research and Sustainable Development of Maine's Natural Resources

S.P. 254, L.D. 851 - An Act To Authorize a General Fund Bond Issue To Invest in Railroads To Reduce the Cost of Shipping to Maine Businesses, Attract Tourists to Maine and Facilitate the Development of Commuter Rail Transportation To Reduce the Use of Oil in Maine

S.P. 255, L.D. 852 - An Act To Authorize a General Fund Bond Issue To Support Maine's Natural Resource-based Economy

S.P. 278, L.D. 874 - An Act To Authorize a General Fund Bond Issue for Educational Opportunities for Underserved Regions of the State

S.P. 282, L.D. 894 - An Act To Authorize a General Fund Bond Issue To Invest in Highway and Bridge Infrastructure To Meet the Needs of the Business Sector and To Create Jobs

H.P. 679, L.D. 919 - An Act To Authorize a General Fund Bond Issue To Weatherize and Upgrade the Energy Efficiency of Maine Homes and Businesses and To Provide for a Trained Workforce for Maine's Energy Future

S.P. 294, L.D. 948 - An Act To Authorize a General Fund Bond Issue To Create Jobs through Energy Efficiency

H.P. 723, L.D. 979 - An Act To Authorize a General Fund Bond Issue To Create an Animal and Plant Diagnostic Facility at the University of Maine

S.P. 310, L.D. 990 - An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for Road and Bridge Construction

S.P. 362, L.D. 1187 - An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Downtowns through Innovative Business Development and the Creative Economy

H.P. 931, L.D. 1240 - An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Government through Energy Efficiency

H.P. 1019, L.D. 1386 - An Act To Authorize a General Fund Bond Issue To Fund the Challenger Learning Center of Maine

H.P. 1024, L.D. 1395 - An Act To Authorize a Highway Fund Bond Issue To Improve Maine's Roads and Bridges

#### **Criminal Justice and Public Safety**

H.P. 478, L.D. 648 - An Act To Prohibit Organized Retail Theft

S.P. 321, L.D. 1088 - An Act Regarding the Writing of Bad Checks

S.P. 328, L.D. 1095 - An Act To Facilitate the Construction and Operation of Private Prisons by Authorizing the Transport of Prisoners out of State

H.P. 849, L.D. 1143 - An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes

H.P. 1117, L.D. 1514 - An Act To Amend the Sex Offender Registration Laws

#### **Education and Cultural Affairs**

H.P. 84, L.D. 98 - Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports

H.P. 457, L.D. 627 - An Act To Expand the Capacity of York County Community College

S.P. 206, L.D. 675 - An Act To Establish Multidistrict Online Classes in Maine

H.P. 702, L.D. 958 - Resolve, To Direct the Department of Education To Review the Essential Programs and Services Model

H.P. 724, L.D. 980 - An Act To Prohibit Cyberbullying in Public Schools

H.P. 739, L.D. 1003 - An Act To Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services

H.P. 928, L.D. 1237 - An Act To Prohibit Bullying in Schools

H.P. 962, L.D. 1316 - An Act To Expand Magnet Schools in Maine

S.P. 439, L.D. 1422 - An Act To Prepare Maine People for the Future Economy

S.P. 473, L.D. 1503 - An Act To Promote School Attendance and Increase School Achievement

#### **Energy, Utilities and Technology**

S.P. 129, L.D. 425 - An Act To Stimulate Demand for Renewable Resources

H.P. 695, L.D. 935 - An Act To Create Fair and Open Competition in Line Extension Construction

#### **Environment and Natural Resources**

H.P. 522, L.D. 693 - An Act Concerning Solid Waste Facility Citizen Advisory Committees

H.P. 588, L.D. 781 - An Act To Establish Flushability Standards for Consumer Products Advertised as Flushable

H.P. 646, L.D. 879 - An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste

H.P. 937, L.D. 1278 - An Act To Stabilize Solid Waste Management Funding

H.P. 1038, L.D. 1412 - An Act To Promote the Proper Disposal of Used Medical Sharps

H.P. 1073, L.D. 1458 - An Act To Transfer Recycling Technical Assistance and Solid Waste Policy Responsibilities from the State Planning Office to the Department of Environmental Protection

#### **Health and Human Services**

S.P. 192, L.D. 612 - An Act To Provide Reimbursement for Medication Therapy Management Services

H.P. 476, L.D. 646 - An Act To Ensure the Safety of Children in the MaineCare Program Who Are Prescribed Antipsychotic Medications

H.P. 602, L.D. 806 - An Act To Provide Public Access to Price Lists of Hospitals and Ambulatory Surgical Facilities

S.P. 285, L.D. 897 - An Act To Amend the Application Process for the Progressive Treatment Program

H.P. 696, L.D. 936 - An Act To Conform Maine Menu Labeling Laws to Federal Standards

H.P. 826, L.D. 1114 - An Act To Improve Preventive Dental Health Care and Reduce Future Avoidable Costs

H.P. 827, L.D. 1115 - An Act To Clarify the Responsibilities of the Maine Developmental Services Oversight and Advisory Board

H.P. 1003, L.D. 1364 - An Act To Improve the Quality and Reduce the Cost of Health Care

#### **Inland Fisheries and Wildlife**

S.P. 64, L.D. 213 - An Act To Provide Funding for the Fish Stocking Program

S.P. 83, L.D. 274 - An Act To Increase the Moose Permit Allocations for Zones 2 and 3

H.P. 298, L.D. 372 - An Act To Reduce Deer Predation

H.P. 467, L.D. 637 - Resolve, To Increase the Amount Tagging Agents Receive for Tagging Game

H.P. 933, L.D. 1242 - An Act To Restore the Deer Herd in Certain Wildlife Management Districts in Maine

H.P. 973, L.D. 1327 - Resolve, To Study the Organization of the Fisheries Management Activities of the Department of Inland Fisheries and Wildlife and Make Recommendations To Improve Efficiency and Effectiveness

S.P. 435, L.D. 1408 - An Act To Amend Water Quality Standards for Fish Hatcheries

#### **Insurance and Financial Services**

H.P. 649, L.D. 882 - An Act To Limit Health Care Mandates

H.P. 764, L.D. 1030 - An Act To Reduce Costs for Small Businesses

H.P. 877, L.D. 1179 - An Act To Require Advance Review and Approval of Certain Small Group Health Insurance Rate Increases and To Implement the Requirements of the Federal Patient Protection and Affordable Care Act

H.P. 1098, L.D. 1497 - An Act To Comply with the Health Insurance Exchange Provision of the Patient Protection and Affordable Care Act

H.P. 1099, L.D. 1498 - An Act To Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals

#### **Joint Select Committee on Joint Rules**

S.P. 412, L.D. 1335 - An Act Relating to the Authority of the Legislative Council over the Fiscal Note Process

H.P. 122 - Joint Order, To Amend Joint Rule 310 by Adding Subsection 7 To Permit Committees To Attach Cosponsors to Bills

H.P. 1049 - Joint Order, To Amend the Joint Rules To Require Review of a Proposal To Create a New Crime or Enhance an Existing Criminal Penalty

H.P. 1080 - Joint Order, To Amend the Joint Rules To Eliminate Concept Drafts

S.P. 237 - Joint Order, Proposing an Amendment to the Joint Rules Regarding Fiscal Notes

#### **Judiciary**

H.P. 128, L.D. 145 - An Act To Protect Homeowners Subject to Foreclosure by Requiring the Foreclosing Entity To Provide the Court with Original Documents

H.P. 257, L.D. 324 - An Act To Authorize Parents with Power of Attorney To Make Decisions Regarding the Education of Their Adult Children

S.P. 123, L.D. 419 - An Act To Ensure the Payment of Survivor Benefits to Certain Children

H.P. 481, L.D. 651 - An Act To Improve Tribal-State Relations

H.P. 722, L.D. 978 - An Act To Amend the Probate Code Regarding Powers of Attorney, Education of Children and Guardianship

H.P. 1016, L.D. 1377 - An Act To Adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

S.P. 456, L.D. 1465 - An Act To Amend the Laws Governing Freedom of Access

S.P. 487, L.D. 1530 - An Act To Amend the Housing Provisions of the Maine Human Rights Act

S.P. 493, L.D. 1546 - An Act To Amend the Laws Governing the Deference Afforded to Agency Decisions

#### **Labor, Commerce, Research and Economic Development**

H.P. 251, L.D. 309 - An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State

H.P. 256, L.D. 323 - An Act To Implement a Coordinated Strategy To Attract New Businesses, Expand Existing Businesses and Develop a Consistent and Recognizable Maine Brand

H.P. 310, L.D. 384 - An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State

H.P. 572, L.D. 765 - An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired

H.P. 578, L.D. 771 - An Act To Establish the St. John Valley Regional Planning Commission

S.P. 301, L.D. 955 - An Act To Establish the Dental Adjudicatory Panel

H.P. 898, L.D. 1207 - An Act To Amend the Labor Laws Relating to Certain Agricultural Employees

H.P. 960, L.D. 1314 - An Act To Standardize the Definition of "Independent Contractor"

S.P. 428, L.D. 1383 - An Act To Improve the Process by Which Logging Contractors Hire Legal Foreign Workers

S.P. 444, L.D. 1437 - An Act To Implement Recommendations on Reinventing Government

H.P. 1065, L.D. 1451 - An Act To Create Transparency and Accountability in Economic Development Subsidies

H.P. 1154, L.D. 1571 - An Act To Amend the Laws Governing Workers' Compensation

#### **Marine Resources**

S.P. 509, L.D. 1579 - An Act To Amend the Lobster Promotion Council

#### **State and Local Government**

H.P. 231, L.D. 287 - An Act To Provide Savings to the State by Contracting Out Certain Services

H.P. 426, L.D. 543 - An Act To Protect Legislative Intent in Rulemaking

H.P. 576, L.D. 769 - An Act To Review the Functions of the State Planning Office

H.P. 1137, L.D. 1550 - An Act To Change Document Filing Fees for County Registries of Deeds

#### **Taxation**

H.P. 45, L.D. 52 - An Act To Dedicate a Percentage of the Sales and Use Tax on Motor Vehicles and Motor Vehicle Parts to the Highway Fund

H.P. 187, L.D. 234 - An Act To Provide a Sales Tax Exemption to Commercial Horticulturists

H.P. 247, L.D. 305 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Land and Buildings To Be Assessed Differently

H.P. 448, L.D. 590 - An Act To Require Review of Certain Changes to Sales Tax Policy Application or Practice prior to Implementation

H.P. 632, L.D. 835 - An Act To Strengthen Maine's Economy through Improvements to the Educational Opportunity Tax Credit

S.P. 252, L.D. 849 - An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes

H.P. 643, L.D. 876 - An Act To Convert Vacant Commercial Property to Occupied Commercial Property

H.P. 844, L.D. 1138 - An Act To Prevent Unnecessary Expulsion of Landowners from the Maine Tree Growth Tax Law Program

H.P. 862, L.D. 1164 - An Act To Support Maine Farms and Alleviate Hunger

H.P. 916, L.D. 1225 - An Act To Create an Income Tax Return Checkoff To Fund Cancer Screening, Detection and Prevention

S.P. 459, L.D. 1470 - An Act To Ensure Harvesting of Timber on Land Taxed under the Maine Tree Growth Tax Law

H.P. 1127, L.D. 1535 - An Act Relating to Fiscal Notes on Proposed Legislation

#### **Transportation**

H.P. 175, L.D. 198 - An Act To Update Motor Vehicle Safety Inspection Laws

H.P. 526, L.D. 697 - An Act To Provide Funding for the Maine Gateway Bridges

H.P. 799, L.D. 1064 - Resolve, To Expand the Scope of the Study of Existing Highway Infrastructure and Future Capacity Needs West of Route 1 in York and Cumberland Counties Being Conducted by the Department of Transportation and the Maine Turnpike Authority

H.P. 836, L.D. 1124 - An Act To Authorize the Use of Traffic Surveillance Cameras To Prove and Enforce Violations of Overtaking and Passing School Buses

S.P. 421, L.D. 1367 - An Act To Restore Maine's Secondary Roads

#### **Veterans and Legal Affairs**

H.P. 102, L.D. 120 - An Act To End Taxpayer-funded Campaigns for Gubernatorial Candidates

H.P. 176, L.D. 199 - An Act To Strengthen Maine's Election Laws by Requiring Photograph Identification for the Purpose of Voting

H.P. 153, L.D. 227 - An Act Relating to the Establishment of Casinos

S.P. 284, L.D. 896 - An Act To Adopt the Uniform Military and Overseas Voters Act

H.P. 664, L.D. 905 - An Act To Improve Maine's Liquor Distribution System

S.P. 350, L.D. 1150 - An Act To Improve the Administration of the Legislative Ethics Laws

S.P. 383, L.D. 1262 - An Act To Increase Penalties for Certain Violations of the Campaign Reports and Financing Laws

H.P. 1078, L.D. 1469 - An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations

S.P. 484, L.D. 1523 - An Act To Improve the Maine Clean Election Act

S.P. 489, L.D. 1539 - An Act To Improve Laws on Gaming

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

**READ** and **PASSED**, in concurrence.

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

**ORDERS**

On motion by Senator **COURTNEY** of York, the following Senate Order:

S.O. 18

Ordered, that a message be sent to Governor Paul R. LePage informing him that the Senate has transacted all business before it and is ready to Adjourn Without Day.

**READ** and **PASSED**.

The Chair appointed the Senator from York, Senator **COURTNEY** to deliver the message to the Governor. The Senator was escorted to the Governor's Office.

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**THE PRESIDENT:** While the Majority Leader is attending to his duty in informing the Governor that we have reached the end of the first session of the 125<sup>th</sup> Legislature, I want to take just a moment as the Presiding Officer to follow up on the comments of the Majority Leader, the Minority Leader, and the Assistant Majority Leader regarding this session that we are ending this evening. I want to say to Senator Hobbins and to Senator Alfond, who is very appropriately with his wife this evening; I want to say to Senator Courtney and to Senator Plowman and to all of you, in both the Republican Caucus and the Democratic Caucus and the Independent Caucus, to the Secretary and the Assistant Secretary, the staff of the Senate Secretary's Office, the Chamber Staff, and the staff of the partisan offices, you have my profound gratitude for the roles that each of you have played in making this, I believe, one of the most memorable and one of the most respectful legislative sessions that we have enjoyed together. It's been extraordinary. We've all learned new roles. Republicans learning for the first time for each and every one of us how to be in the Majority, how to Chair a committee, how to lead a Chamber, and Democrats learning for the first time for all but one of you how to be in the Minority. Different roles for all of us. Together we have learned those roles and I would submit that we have mastered them. Senator Courtney mentioned in his remarks that those of us in the Majority pledged that we would work to create a State government that is caring, responsible, efficient, affordable, transparent, and effective. I believe that is exactly what we have done together over the course of this session through a series of successes that will have a positive impact on this state and on the people of this state for years to come. The model of bi-partisanship that was L.D. 1 is something that I think every member of this Chamber and the other Body can be proud of. It has, in a very significant way, sent the message throughout Maine and beyond our borders that Maine is

indeed open for business, in a way that honors and protects our cherished environment at the same time. Though the passage of L.D. 1333 this Legislature has addressed one of the most profoundly troubling issues of our time; skyrocketing health insurance premiums that have been borne by Mainers year after year after year with double digit increases. While not all of us agree on all of the provisions in this bill, I believe that this Chamber honored our tradition of bi-partisanship and respect in the way in which we approached this issue and the final product that we enacted that I believe will hold great benefit for the people of Maine going forward.

There are too many areas to list them all, but I do want to mention a few more. We paid the hospitals. What many people across this state and those of us in this Chamber felt was a black eye for the state of Maine was repaired. We reached out the hand of bi-partisanship not just on one budget but on two supplemental budgets and a biennial budget, each of them producing unanimous bi-partisan results in the Appropriations Committee under the leadership and guidance of Senator Rosen, Senator Hill, and Senator Katz. Early on we established that as the new Majority we were going to take that approach, an approach of mutual respect that has guided the session and has guided the process, and resulted in the extraordinary accomplishment of a two-thirds budget. A two-thirds budget in this environment, particularly when you think about this in the context of what is happening in other states all across this country both in terms of the vitriol and in terms of some of the devastating consequences of actions to balance budgets, in Maine we took a different approach. We enacted the largest tax cut in the history of this state. We enacted pension reforms necessary to secure the future of the Maine State Retirement System for those people who depend on it and will depend on it in the years to come. Welfare reform, while still protecting the most vulnerable in our society. Not a dime of cuts to higher education. Look across the country and see how many states can say that. Increased funding for K-12 education. While we were at it, just today we repaired the school funding formula that has devastated much of our state for the past six years. We also cut our own budget, the largest cut in the legislative budget ever. A 14% cut with a savings of \$8.3 million, demonstrating this Legislature put its money where its mouth is. I believe that we can all be proud of these accomplishments and many more, too long to list.

I wanted to take a moment to thank you all for the extraordinary opportunity to preside over this amazing group of people that make up the 125<sup>th</sup> Maine Senate. I do want to thank especially the staff in the President's Office. Talk about an amazing group of people. Mary Small, Rose Smith, Rob Caverly, Chris Cote, and Scott Fish have done yeoman's work to help me rise to the occasion and to support all of you in understanding that the President's Office is held by the Majority Party but is the President's Office for the entire Senate. I appreciate so much the vital role that those five folks have played in making this office work well. I hope you have a wonderful Summer, well deserved rest. I hope that many of us will be able to see each other over the course of the Summer months and in the Fall and that when we come back next January we will know that the trust and the friendship that has been gained as a result of the great work together across the aisle this year will guide us to a successful conclusion in the second session of the 125<sup>th</sup> Legislature. Thank you very much.

Subsequently, the Senator from York, Senator **COURTNEY** reported that he had delivered the message with which he was charged.

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On motion by Senator **PLOWMAN** of Penobscot, the following Senate Order:

S.O. 17

Ordered, that a message be sent to the House of Representatives informing that Body that the Senate is ready to Adjourn Without Day.

**READ and PASSED.**

The Chair appointed the Senator from Penobscot, Senator **PLOWMAN** to deliver the message to the House of Representatives. The Senator was escorted to the House of Representatives.

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Senate at Ease.

Senate called to order by the President.

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Subsequently, the Senator from Penobscot, Senator **PLOWMAN** reported that she had delivered the message with which she was charged.

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

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At this point a message was received from the House of Representatives borne by Representative **CURTIS** of Madison, informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

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On motion by Senator **BRANNIGAN** of Cumberland, the Honorable **KEVIN L. RAYE**, President of the Senate, declared the First Regular Session of the 125<sup>th</sup> Legislature, **ADJOURNED SINE DIE** at 7:46 in the evening.