MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fifth Legislature

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

In Senate Chamber
Tuesday
May 15, 2012

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

Prayer by Pastor Frank Gleason of the Maranatha Assembly Church in Anson.

PASTOR GLEASON: Thank you Mr. President. Mr. President, Mr. Secretary, ladies and gentlemen of the Senate, let us pray. Almighty God, we thank You for the counsel of Micah. Help us to do justice, love kindness, and walk humbly with You. Knit us together in our work as one. Cause us this day to be willing to abridge ourselves of our excess for the supply of others necessities. Lord, save us from discord and confusion, from pride and arrogance. Let us be bound together in meekness, gentleness, and patience and make others conditions our own. Bless us this day with Godly wisdom, power, goodness, and truth. Fill our hearts with thankfulness and let us never fail to trust in You. I ask all these things through Jesus Christ, Our Lord. Amen.

Pledge of Allegiance led by Senator Richard W. Rosen of Hancock County.

Reading of the Journal of Friday, April 13, 2012.

Doctor of the day, Michael Bell, MD of Cumberland.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 842

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

May 14, 2012

The Honorable Kevin L. Raye
President of the Senate of Maine
125th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on Energy, Utilities & Technology has had under consideration the nomination of Mark A. Vannoy of Waldoboro, for appointment to the Public Utilities Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Thibodeau of Waldo, Bartlett of Cumberland, Rector of Knox
	Representatives	9	Fitts of Pittsfield, Beavers of South Berwick, Cray of Palmyra, Curtis of Madison, Dion of Portland, Dunphy of Embden, Hamper of Oxford, Hinck of Portland, Luchini of Ellsworth
NAYS		0	
ABSENT		1	Rep. Cornel du Houx of Brunswick

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Mark A. Vannoy of Waldoboro, for appointment to the Public Utilities Commission be confirmed.

Signed,

S/Michael D. Thibodeau
Senate Chair

S/Stacey A. Fitts
House Chair

READ and **ORDERED PLACED ON FILE**.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 125th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#491)

YEAS: Senators: None

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

ABSENT: Senators: PLOWMAN, SULLIVAN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Mark A. Vannoy** of Waldoboro for appointment to the Public Utilities Commission was **CONFIRMED**.

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

The Following Communication: S.C. 839

STATE OF MAINE
OFFICE OF THE GOVERNOR

May 3, 2012

The Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye,

This is to inform you that I am today nominating Mark A. Vannoy of Waldoboro for appointment as a Commissioner to the Public Utilities Commission.

Pursuant to Title 35-A, MRSA §105, this appointment is contingent on the Maine Senate Confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 840

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

April 25, 2012

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

Dear President Raye and Speaker Nutting:

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

L.D. 381	An Act To Establish a New Method of Determining the State Budget
L.D. 565	An Act To Provide Funding for the World Acadian Congress
L.D. 1662	An Act To Provide for an Advisory Referendum on the Approval of Tax-exempt Student Loan Revenue Bonds
L.D. 1713	An Act To Restore Supplemental Health Insurance Coverage for Disabled Children of State Retirees (EMERGENCY)

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

Sincerely,

S/Sen. Richard W. Rosen
Senate Chair

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

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

The Following Communication: S.C. 841

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

May 9, 2012

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

Dear President Raye and Speaker Nutting:

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

L.D. 399 An Act To Authorize a General Fund Bond Issue To Fund LifeFlight

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

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

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

Sincerely,

S/Sen. Richard W. Rosen
Senate Chair

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

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **CRAVEN** of Androscoggin was granted unanimous consent to address the Senate off the Record.

ORDERS

Joint Resolutions

On motion by Senator **COURTNEY** of York under unanimous consent on behalf of President **RAYE** of Washington (Cosponsored by Speaker NUTTING of Oakland and 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, GERZOFSKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBINS of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PATRICK of Oxford, PLOWMAN of Penobscot, 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, WHITTEMORE of Somerset, WOODBURY of Cumberland, Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BELIVEAU of Kittery, BENNETT of Kennebunk, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, CAIN of Orono, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHAPMAN of Brooksville, CHASE of Wells, CHIPMAN of Portland, CLARK of Millinocket, CLARK of Easton, CLARKE of Bath, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, DAVIS of Sangerville, DILL of Old Town, DION of Portland, DOW of Waldoboro, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNPHY of Embden, EBERLE of South Portland, EDGECOMB of Caribou, ESPLING of New Gloucester, EVES of North Berwick, FITTS of Pittsfield, FITZPATRICK of Houlton, FLEMINGS of Bar Harbor, FLOOD of Winthrop, FOSSEL of Alna, FOSTER of Augusta, FREDETTE of Newport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GUERIN of Glenburn, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington, JOHNSON of Greenville, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF of Waterville, LOVEJOY of Portland, LUCHINI of Ellsworth, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MORISSETTE of Winslow, MORRISON of South Portland, MOULTON of York, NASS of Acton, NELSON of Falmouth, NEWENDYKE of Litchfield, O'BRIEN of Lincolnville, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, PILON of Saco, PLUMMER of Windham, PRESCOTT of Topsham, PRIEST of Brunswick, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, ROCHELO of Biddeford, ROSEN

of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SANDERSON of Chelsea, SARTY of Denmark, SHAW of Standish, SIROCKI of Scarborough, SLAGGER of the Houlton Band of Maliseet Indians, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TREAT of Hallowell, TURNER of Burlington, TUTTLE of Sanford, VALENTINO of Saco, VOLK of Scarborough, WALLACE of Dexter, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WOOD of Sabattus), the following Joint Resolution:

S.P. 687

JOINT RESOLUTION COMMEMORATING THE 100TH ANNIVERSARY OF FENWAY PARK

WHEREAS, April 20, 2012 marked the 100th anniversary of Fenway Park, home of Major League Baseball's Boston Red Sox; and

WHEREAS, the State of Maine is proud to be part of what is known as Red Sox Nation, the most loyal and devoted fan base in baseball, and Mainers attend games each season at Fenway Park in Boston in great numbers; and

WHEREAS, Fenway Park is near Kenmore Square in Boston and is the oldest Major League Baseball park currently in use and the oldest venue used by a professional sports team in the United States; and

WHEREAS, Fenway Park has had many renovations and additions over the years, resulting in unique and quirky features, including "The Triangle," "Pesky's Pole" and most notably the famous "Green Monster" in left field; and

WHEREAS, as the noted American author John Updike described it, Fenway Park is "a lyric little bandbox of a ballpark. Everything is painted green and seems in curiously sharp focus, like the inside of an old-fashioned peeping-type Easter egg"; and

WHEREAS, the Boston Red Sox have sold out every home game since May 15, 2003 and Fenway Park sold out its 456th consecutive Red Sox game in 2008, breaking a Major League Baseball record, and currently has over 700 consecutive sellouts; and

WHEREAS, with the 4th lowest seating capacity and 2nd lowest total capacity of any Major League Baseball venue and its narrow foul ground and close outfield fences, Fenway Park provides an intimate setting for spectators, who have watched the Red Sox post a winning record in each of the past 14 seasons; and

WHEREAS, on March 7, 2012, Fenway Park was added to the National Register of Historic Places; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to commemorate the 100th anniversary of Fenway Park; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Boston Red Sox at Fenway Park.

READ and **ADOPTED**.

Sent down for concurrence.

On motion by Senator **COURTNEY** of York (Cosponsored by Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, CRAVEN of Androscoggin, DIAMOND of Cumberland, DILL of Cumberland, FARNHAM of Penobscot, GERZOFSKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBINS of York, JACKSON of Aroostook, JOHNSON of Lincoln, 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, WHITTEMORE of Somerset, WOODBURY of Cumberland, Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BELIVEAU of Kittery, BENNETT of Kennebunk, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, CAIN of Orono, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHAPMAN of Brooksville, CHASE of Wells, CHIPMAN of Portland, CLARK of Millinocket, CLARK of Easton, CLARKE of Bath, CORNELL du HOUX of Brunswick, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, DAVIS of Sangerville, DILL of Old Town, DION of Portland, DOW of Waldoboro, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNPHY of Embden, EBERLE of South Portland, EDGECOMB of Caribou, ESPLING of New Gloucester, EVES of North Berwick, FITTS of Pittsfield, FITZPATRICK of Houlton, FLEMINGS of Bar Harbor, FLOOD of Winthrop, FOSSEL of Alna, FOSTER of Augusta, FREDETTE of Newport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GUERIN of Glenburn, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington, JOHNSON of Greenville, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF of Waterville, LOVEJOY of Portland, LUCHINI of Ellsworth, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McCLELLAN of

Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MORISSETTE of Winslow, MORRISON of South Portland, MOULTON of York, NASS of Acton, NELSON of Falmouth, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'BRIEN of Lincolnville, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, PILON of Saco, PLUMMER of Windham, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, ROCHELO of Biddeford, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SANDERSON of Chelsea, SARTY of Denmark, SHAW of Standish, SIROCKI of Scarborough, SLAGGER of the Houlton Band of Maliseet Indians, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TREAT of Hallowell, TURNER of Burlington, TUTTLE of Sanford, VALENTINO of Saco, VOLK of Scarborough, WAGNER of Lewiston, WALLACE of Dexter, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WOOD of Sabattus), the following Joint Resolution:

S.P. 688

JOINT RESOLUTION COMMENDING THE MAINE STATE MUSEUM AND PARTNERS FOR MOUNTING THE EXHIBIT "MALAGA ISLAND, FRAGMENTED LIVES"

WHEREAS, Malaga Island is a small, rugged island of less than one square mile situated in Casco Bay off the shores of the Town of Phippsburg and the Town of Harpswell; and

WHEREAS, from the 1860s to 1912, Malaga Island was home to a mixed-race Maine community of people of primarily Scottish, Irish, English, Native American and African American ancestry struggling to survive as boatmen, fishermen, carpenters and laundresses, as did many rural islanders of that era; and

WHEREAS, because of changes in the coastal economy, concerns that local taxpayers might become burdened by alleged "chronic pauperism" and statements made by the now-disgraced eugenics movement that claimed poverty and intemperance were genetic traits due to "impure blood," residents of Malaga Island were viewed by some Maine people with suspicion and disdain; and

WHEREAS, in 1911, amid such tensions, Governor Frederick Plaisted and his executive council led an expedition to investigate conditions on Malaga Island and subsequently paid $417.00 to clear title to the island in the name of the State of Maine, which took possession of the island; and

WHEREAS, in 1912 the State of Maine evicted all Malaga Island residents from their homes, paying token sums for the homes, ordered the Malaga Island schoolhouse, wharves and houses removed or destroyed, dug up the island graveyard, jumbling all remains into common caskets where the deceased of Malaga Island lie in mixed graves to this day, and forcibly relocated 8 islanders to the Maine School for the Feeble-Minded at Pownal, where some spent the rest of their lives; and

WHEREAS, with Malaga Island deserted and the islanders dispersed or institutionalized, for 100 years the true story of Malaga Island disappeared into mystery and myth, a half-remembered legend deeply tinged with heartbreak, loss and shame, rarely referred to openly even by the scattered descendants of the islanders themselves; and

WHEREAS, in 2001, the Maine Coast Heritage Trust purchased Malaga Island, and it now serves as a nature preserve, a University of Southern Maine archaeological site, a landmark on the Maine Freedom Trail and a place of education, reflection and renewal; and

WHEREAS, in 2010 the One Hundred and Twenty-fourth Legislature, on behalf of the people of Maine, recognized with profound regret the tragic displacement of the Malaga Island residents in 1912; and

WHEREAS, on September 12, 2010 Governor John E. Baldacci met publicly on Malaga Island with descendants of the displaced islanders to acknowledge and repudiate the shameful eviction of their ancestors; and

WHEREAS, the Maine State Museum is constructing an exhibit, "Malaga Island, Fragmented Lives," scheduled for public viewing from May 19, 2012 to May 26, 2013, offering a factual history of this extinct community through contemporary photographs, news stories and individual statements by former residents, and through the archaeological remains of the possessions of some households; and

WHEREAS, this exhibit and related educational programs are funded in large part by private foundation gifts and based on research by museum staff and the work of many partners, including living descendants of the Malaga Island community; the Maine Coast Heritage Trust; the archaeology program at the University of Southern Maine; the NAACP Portland Branch; Maine Freedom Trails, Inc.; the Phippsburg Historical Society; the creators of the radio documentary, "Malaga Island: A Story Best Left Untold"; and numerous individual researchers; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, recognize with pride and hope for the future the extraordinary joint efforts of many people and institutions that will culminate in the historical exhibit, "Malaga Island, Fragmented Lives," and related educational programs; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine State Museum, the Maine Coast Heritage Trust, the University of Southern Maine, the NAACP Portland Branch, the Phippsburg Historical Society, the 1772 Foundation, the Davis Family Foundation and the Emanuel & Pauline A. Lerner Foundation.

READ and **ADOPTED**.

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 briefly just to call the Senate's attention to the Joint Resolution which we just passed dealing with Malaga Island and the museum exhibit that is going to be taking place. Malaga Island is in my district. Unfortunately, it was a very dark spot in our history in the state of Maine. Nearly 100 years ago the State of Maine, very sadly and in a very shameful way, removed all the people of Malaga Island. In the last session, this Legislature, with great regret, apologized for that action. I would encourage all of us to take the opportunity to go over to the Maine State Museum when this exhibits starts and learn about our history, learn about the mistakes that I hope we have all learned from and how we can move forward from these tragic decisions. Lastly, I'd also encourage you to visit this island. It is at the end of Phippsburg, a peninsula in between my district and the good Senator from Cumberland. It's a short stones throw from the shore. It's easy to get a boat ride over or take your kayak or canoe and have a self-guided tour. Thank you very much, 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, it really was an honor to put this Joint Resolution in. I was touched last year. I read an article, I think it was by Colin Woodard who used to work with Downeast Magazine. He did a story on this. He told the story that I didn't know anything about. It certainly is a dark piece of our history and it kind of shows how far we've come today in Maine. I would like to actually take up the good Senator from Sagadahoc and maybe we could go out to Malaga Island together. I think Senator Gerzofsky has a mode of transportation that we might be able to use. I'm really honored to put this forward today. It is really a part of our history that we should never forget. Thank you, Mr. President.

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

Senator **GERZOFSKY**: Thank you Mr. President. Ladies and gentlemen of the Senate, I would certainly like to assure my friend that we can get out to the island. I can provide you with transportation because it's a great experience to go out to the island. We have heard, and we will always hear, that we have to learn by history, it has to teach us our lessons. We're bound to repeat them if we don't learn, if we don't remember. I know this Body is different now than it was then. The Body and the people that will replace us going down the road have to learn from maybe some of our mistakes so they don't make them again. We would never do to people what we did back then because they might be a little different. Because the norms of the day change, so does the Legislature. My comments are that we made an error. We apologize for the error and how we treated other people. Let's just remember, not only today but as we move forward, not to hurt people just because they are different. Learn from our mistakes and not repeat them. Thank you very much.

Sent down for concurrence.

Joint Resolutions in Memoriam:

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

Kathy Crowley Fuller, of Hallowell, a friend and longtime Maine State House colleague with over 25 years of dedicated service to the Legislature and the people of the State of Maine. Ms. Fuller began working at the State House in 1985 as the Audit and Program Review Committee Clerk and joined the Office of Fiscal and Program Review in 1987. She was well known for her gracious and cheerful attitude and her ability to rise to the occasion under stressful conditions. She also took great joy in living and this was apparent to all who came in contact with her. Ms. Fuller will be greatly missed and long remembered by her loving family, her friends and those whose lives she touched;

SLS 714

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, COURTNEY of York, CRAVEN of Androscoggin, DILL of Cumberland, FARNHAM of Penobscot, GERZOFSKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBINS of York, JACKSON of Aroostook, JOHNSON of Lincoln, 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, WHITTEMORE of Somerset, WOODBURY of Cumberland, Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BELIVEAU of Kittery, BENNETT of Kennebunk, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, CAIN of Orono, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHAPMAN of Brooksville, CHASE of Wells, CHIPMAN of Portland, CLARK of Millinocket, CLARK of Easton, CLARKE of Bath, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, DAVIS of Sangerville, DILL of Old Town, DION of Portland, DOW of Waldoboro, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNPHY of Embden, EBERLE of South Portland, EDGECOMB of Caribou, ESPLING of New Gloucester, EVES of North Berwick, FITTS of Pittsfield, FITZPATRICK of Houlton, FLEMINGS of Bar Harbor, FLOOD of Winthrop, FOSSEL of Alna, FOSTER of Augusta, FREDETTE of Newport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GUERIN of Glenburn, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of

Yarmouth, JOHNSON of Eddington, JOHNSON of Greenville, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF of Waterville, LOVEJOY of Portland, LUCHINI of Ellsworth, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MORISSETTE of Winslow, MORRISON of South Portland, MOULTON of York, NASS of Acton, NELSON of Falmouth, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'BRIEN of Lincolnville, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, PILON of Saco, PLUMMER of Windham, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, ROCHELO of Biddeford, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SANDERSON of Chelsea, SARTY of Denmark, SHAW of Standish, SIROCKI of Scarborough, SLAGGER of the Houlton Band of Maliseet Indians, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TREAT of Hallowell, TURNER of Burlington, TUTTLE of Sanford, VALENTINO of Saco, VOLK of Scarborough, WAGNER of Lewiston, WALLACE of Dexter, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WOOD of Sabattus.

READ.

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

Senator **DIAMOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, I rise this morning to speak about Kathy Crowley Fuller, who this is sentiment is recognizing, and the 25 years of service Kathy gave to the State and to this Legislature and what a wonderful woman she was. I'm going to ask the Secretary to read the sentiment when I finish. I wanted to say I first met Kathy in the 112th Legislature. She came to work for the Audit and Program Review Committee, a committee that's job was a year-round committee and we worked on analyzing and scrutinizing every State agency. We reviewed three agencies a year. Kathy was just an unbelievable person to help us with that. It got to be long hours. I remember we were reviewing the Department of Environmental Protection one time and it got to be long days in the Summer and long hours. We would get ragged. I happened to be Chair of the committee. When we were at our lowest, Kathy would come bouncing in with a big smile after she had worked all these hours with us and say, "What can I do to help? What can we do?" That was Kathy. She was just a phenomenal person. Later, of course, I had a chance to work with her when I was in Approps and enjoyed working with her when she was with that staff as well. She was just an incredible, gracious, happy, and cheerful person. I think if you had the opportunity and the privilege to know then you would also agree with me that she was very, very special. Her family is here today: her husband, Gordan; her sister, Alana Farnham; her brother, Nat Crowley, and his wife, Julie; and her brother, Roger Crowley. They are all here and I'm going to ask the President if he would recognize them. Her Dad, Nat Crowley, was a member of the House. He used to throw some of the wildest parties on March 17th. He was an Irishman through and through. We always would go to Nat Crowley's St. Patrick's Day party. To the family, I'm glad you are here. Timmy Crowley worked in the Windham Middle School as a Guidance Councilor at one point. There is all of this in honor of Kathy Crowley Fuller. I'd ask you to just take a moment and listen to the sentiment as it is being read by the Secretary. Mr. President, thank you.

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

Senator **ROSEN**: Thank you Mr. President. Men and women of the Senate, I am go grateful and pleased that Senator from Cumberland, Senator Diamond, submitted this Joint Resolution in memoriam to Kathy. I want to join with him and offer my respect and also condolence to the family. We absolutely adored Kathy in our working relationship with her in the Appropriations Committee and the folks downstairs in the Fiscal Office. I know her colleagues and co-workers continue to remain heartbroken over the loss. We think of the smile and the bubbly and cheery and professional attitude and want the family to know that she made a great impression and will be missed by all of us. Thank you, Mr. President.

At the request of Senator **DIAMOND** of Cumberland, Joint Resolution **READ**.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Kathy's husband, Gordon Fuller; her sister, Alana Farnham; her brother, Nat Crowley, and his wife, Julie; and her brother, Roger Crowley. Will they please rise and accept the condolences of the Maine Senate.

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

The Honorable Joseph Sewall, of Old Town, a former State Senator and former President of the Maine Senate. Mr. Sewall was born in Old Town in a house built by his great-grandfather, who was Speaker of the Maine House of Representatives in 1851. Mr. Sewall graduated from Bowdoin College and served in Naval Aviation as a navigator in World War II. He continued the political tradition of his family and served 9 years as a member of the Old Town City Council before being elected to the Senate in 1967, where he served 8 consecutive terms. He was chair of the Appropriations Committee before becoming Senate President in 1975. He served 4 terms as Senate President, the longest-serving Senate President in Maine history. Mr. Sewall was respected by both parties for his honesty and integrity and was

known for his ability to achieve consensus. We acknowledge his dedicated service to his community, to the State and to the Nation. He will be greatly missed and long remembered by his family and many friends;

SLS 724

Sponsored by President RAYE of Washington.
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, GERZOFSKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBINS 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, 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, WHITTEMORE of Somerset, WOODBURY of Cumberland, Representative: DILL of Old Town.

READ.

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

Senator **SCHNEIDER**: Thank you Mr. President. Men and women of the Senate, I rise in honor of a truly great citizen. It was my misfortune that I was not in the Legislature at the time when he was serving because every single person I've spoken with about him was positive and complementary. Great leadership. I just wanted to rise to extend my condolences to the family. Thank you very much, Mr. President.

THE PRESIDENT: The Chair would note that my first experience working in this building was as 19 year old intern to Senate President Joe Sewall. He was, in his time, really a giant on the Maine political scene, which is something I think is obvious given the fact that he is the longest serving Senate President in the history of the State of Maine. He was a gentleman. He had a terrific sense of humor. He honored and sought and achieved consensus and worked very hard to bring people together to make State government work in the way that it should. Upon my swearing in for this office, I had a wonderful conversation with Senator Sewall, who was physically unwell and not able to be with us. I spoke with him at his residence. He was living in Fredericton, New Brunswick to be near family. He sounded exactly as he had back in his time in the Senate Presidency even though his body was frail. He expressed his tremendous love of this institution and his respect for the work that we all do. I believe it is fitting that we pay our respects to him, a great man who had a place in the history of our State and the history of this Chamber, with the enactment of this sentiment. His family was unable to be with us, but I will make certain that it presented to them on behalf of this Body. When we adjourn today's session, it is my intention that we would do so in honor and lasting tribute to the Honorable Joseph Sewall and to Kathy Crowley Fuller.

ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator ROSEN for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue in the Amount of $50,000,000 To Fund Research and Development"

S.P. 76 L.D. 225

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-569)**.

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

On motion by Senator **ROSEN** of Hancock, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Senator ROSEN for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "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"

S.P. 282 L.D. 894

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-568)**.

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

On motion by Senator **ROSEN** of Hancock, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue To Support Maine's Natural Resource-based Economy"

S.P. 255 L.D. 852

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-576)**.

Signed:

Senators:
ROSEN of Hancock
KATZ of Kennebec
HILL of York

Representatives:
FLOOD of Winthrop
FREDETTE of Newport
KESCHL of Belgrade
MARTIN of Eagle Lake
ROTUNDO of Lewiston
STEVENS of Bangor
WEBSTER of Freeport

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

Signed:

Representatives:
CHASE of Wells
CLARK of Easton
WINSOR of Norway

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue for Educational Opportunities for Underserved Regions of the State"

S.P. 278 L.D. 874

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-574)**.

Signed:

Senator:
ROSEN of Hancock

Representatives:
FLOOD of Winthrop
CHASE of Wells
CLARK of Easton
FREDETTE of Newport
KESCHL of Belgrade
WINSOR of Norway

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-575)**.

Signed:

Senators:
KATZ of Kennebec
HILL of York

Representatives:
MARTIN of Eagle Lake
ROTUNDO of Lewiston
STEVENS of Bangor
WEBSTER of Freeport

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-574)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-574)** Report.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Amend Provisions Limiting the Return to Work after Retirement by Teachers, School Employees and State Employees"

S.P. 542 L.D. 1632

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

Signed:

Senators:
ROSEN of Hancock
KATZ of Kennebec

Representatives:
FLOOD of Winthrop
CHASE of Wells
CLARK of Easton
FREDETTE of Newport
KESCHL of Belgrade
WINSOR of Norway

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-567)**.

Signed:

Senator:
HILL of York

Representatives:
MARTIN of Eagle Lake
ROTUNDO of Lewiston
STEVENS of Bangor
WEBSTER of Freeport

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Senate at Ease.

Senate called to order by the President.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY)

S.P. 600 L.D. 1746

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-572)**.

Signed:

Senators:
ROSEN of Hancock
KATZ of Kennebec

Representatives:
FLOOD of Winthrop
CHASE of Wells
CLARK of Easton
FREDETTE of Newport
KESCHL of Belgrade
WINSOR of Norway

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-573)**.

Signed:

Senator:
HILL of York

Representatives:
CAIN of Orono
MARTIN of Eagle Lake
ROTUNDO of Lewiston
WEBSTER of Freeport

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-572)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-572)** Report.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (4/13/12) Assigned matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations of the Committee To Review Issues Dealing with Regulatory Takings"

H.P. 1334 L.D. 1810

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-921)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-922)** (5 members)

Tabled - April 13, 2012, by Senator **COURTNEY** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 11, 2012, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-922)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-922)**.)

(In Senate, April 13, 2012, Reports **READ**.)

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

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

Senator **HASTINGS**: Thank you Mr. President. Men and women of the Senate, as I think everybody in the Chamber knows, this has been an issue that has been before this Legislature, for now, two years. It is an issue dealing with the concept that regulation

passed by government can result in such a diminution in value to ones property that it amounts to a taking. The current constitutional standard sets a very high threshold, so that almost total lost must occur. The focus of the bill was to set another threshold. I'm not going to debate the bill today. I do urge your support of this motion to Indefinitely Postpone. I just want to put on the record that, based on the deliberations that took place in the Judiciary Committee, I think it's fair to say that there is a recognition that there was a problem here. I think the struggle was how to fix it. I think we have come to the point where the efforts and the fixes proposed in both the Majority and Minority Reports don't do it. The Minority Report, which I happened to support, attempted to do a real fix and put a threshold for what a regulatory taking was and provided a remedy for a landowner. Potential remedy. I sense, though, a great deal of concern that this remedy, perhaps, was going to be too cumbersome and too difficult to enforce and perhaps too expensive for the State and was filled with uncertainty. I understand that. The Majority Report, which is also before us, I believe, and I think many agreed, really does not do much to address the problem. It primarily relies upon a mediation program that already exists and has been shown not to be particularly effective. I make the motion to Indefinitely Postpone because I think this is an issue that should be revisited, that neither solution we have before us is the right one. We should leave the slate blank and allow a future Legislature, if it wishes, to take up this issue and see if a resolution, that is fair both to the State, its governmental entities, and the landowners and will work, can be developed. I don't think we have it today. Ladies and gentlemen, I urge your support of the motion to Indefinitely Postpone this bill. Thank you very much.

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 just briefly to comment that this bill has had a long history in different forms and variations in this Body, starting way back in the 1990's and potentially in between, since then to now. We've had much debate. We've had much focus on the issue of how we can, potentially, resolve some of the concerns dealing with landowner rights in our individual committees, whether it be the Committee on Natural Resources and Environment or the Agriculture, Conservation and Forestry Committee. I think it is incumbent upon us to always be extremely diligent and ask the questions in those respective committees dealing with land use issues on how regulations are going to impact people's property rights and whether they are justified. I think many people that were opposed to the bill focused on that approach rather than having an after-the-fact approach dealing with compensating someone on a very limited basis. There is merit in a lot of people's concerns. We listened to them. I think a better approach is incumbent upon us to be very thoughtful in our legislating at the committee level and in this Chamber, as well as at the other end of the hall. I would encourage you to join in Indefinitely Postponing this bill.

On motion by Senator **HASTINGS** of Oxford, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Off Record Remarks

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

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

Off Record Remarks

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY)

S.P. 600 L.D. 1746

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-572)** (8 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-573)** (5 members)

Tabled - May 15, 2012, by Senator **ROSEN** of Hancock

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-572)** Report

(In Senate, May 15, 2012, Reports **READ**.)

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

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

Senator **ROSEN**: Thank you Mr. President. Ladies and gentlemen of the Senate, I present the Majority Report, a plan to balance the remaining $80 million 2013 Department of Health and Human Services shortfall. Before I highlight a couple of items, I'd like to remind everyone of the significant accomplishments achieved by your Appropriations Committee over the last 18 months. With your strong support, Republicans, Democrats, and Independent, we have successfully confronted several of the most persistent challenges facing the State. Up to this point we have done so together. Perhaps the greatest challenge for our committee and the Legislature this session has been managing the MaineCare and MaineCare related programs as we watch our federal funding decline and we careen over the dreaded financial cliff, losing hundreds of millions of dollars of one-time stimulus funding. To keep MaineCare whole and backfill the loss of federal funds, we increased General Fund spending by $223 million in last years' biennial budget. As it turned out, the shortfall persisted. Last December the Chief Executive projected an additional shortfall of another $220 million for the remainder of this biennium. In five previous budgets we came together to support difficult measures: like a freeze and cap on the childless adult waiver, like the reduction from 200% to 133% of the federal poverty level for parents enrolled in Medicaid and parents of the SCHIP kids. These actions and many others required courageous votes from Republicans and Democrats in this Legislature, including the members in this Chamber.

This bill, L.D. 1746, was first introduced in December and has been the subject of lengthy public hearings and months of examination and review. Representative Flood, the House Chairman of the committee, and I requested that the Legislature's Office of Fiscal and Program Review take the time to review the underlying assumptions used to project the $220 million DHHS shortfall that this bill was introduced to fix and we did that. We took the extra time. We then split the bill, as you recall, in two pieces. We passed a solution which brought the current fiscal year, 2012, into balance, allowing more time to examine the new eligibility accounting problem and to consider the updated revenue forecast, which was completed at the end of April. Once the analyst determined that only 7,700 eligibility segments, costing $6.5 million in General Funds, rather than the projections that were being circulated that were unsubstantiated of enormous impacts, we determined that of the 19,000 original segments only 7,700 actually generated costs of $6.5 million. Once we determined that through that exhaustive examination and we had the new revenue figures at the end of April, we were still facing a daunting $80 million Department of Health and Human Services shortfall in 2013. Keep in mind that when I use the term shortfall I am not describing a lack of revenue. Instead, we are talking about spending needs running $80 million over budgeted projections.

We then went to work to draft this finally supplemental budget. This budget is five months in the making. In the end, many of the Chief Executive's original proposals were rejected or significantly altered; such is the nature of the legislative process. We listened to the public. We heard their input. We studied the proposals and worked carefully to make prudent and careful recommendations. Unfortunately, we were unable to maintain our impressive streak of unanimity with our Democratic colleagues. Perhaps the heavy pressure from the various constituency groups just became too intense. This obligation was one we cannot hide from. We are expected to make the decisions many would prefer to avoid. If you adopt the Majority Report, through our actions over the last 18 months we will have increased over the baseline amount of spending our General Fund MaineCare spending by $323 million. I want to make sure everyone understands that. We moved into this 2012-2013 cycle with a baseline requirement for General Fund spending of a little over $1 billion. We have, with this final budget, increased General Fund spending for MaineCare by $323 million; a total of $1.4 billion of General Fund commitment from the 125th Legislature for MaineCare. As you know, that is the State General Fund dollar that draws down the $2 federal match. Does this sound like a shift and shaft? Does this sound like the Majority walking away from funding the core needs of this massive program? No. This is the sixth budget intended to confront an enormous challenge in a fair and balanced manner.

I'd like to comment on one provision in the budget that deals with the General Assistance Program. The actions in this Majority Report restore to the original posture the negotiated agreement between the Democrats and the Republicans regarding General Assistance that was adopted overwhelmingly in L.D. 1903. That provision was the subject of a line item veto. Regarding General Assistance, the Republicans and the Democrats in the Appropriations Committee had agreed and that negotiation occurred. That would be our negotiated agreement as it relates to General Assistance changes in this session. We made that agreement then. We had a handshake on that agreement. That was one piece that went beyond that particular budget in terms of our posturing. We have maintained our position and, with our actions in this Majority Report, we have demonstrated that a commitment was a commitment and the General Assistance proposal remains unchanged.

Approval of this Majority Report, along with our previous work, will hand to our successors in the 126th Legislature a budget that is sound and balanced for the first time in many years. Ladies and gentlemen, I encourage your support of the report. Thank you.

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

Senator **HILL**: Thank you Mr. President. Ladies and gentlemen of the Senate, when I was appointed to Appropriations I was quite pleased. I realized that it was a very serious matter and that I had to commit to giving it my all to come to unanimous budgets with as much consensus building as possible. As the good Senator Rosen indicated, over an 18 month period we have been forced to deal with five budgets, most of which were rather complex. We pulled them off with unanimous committee reports and supermajorities in both Chambers. In fact, the last budget, for

me, it was sort of a crowning moment when the Senate lit up all lights unanimously for that budget. I appreciate that. I have to also say that, over the 18 months, it has been a pleasure working with the Chairs of the committee. Senator Rosen is always a gentleman and very professional. I have enjoyed sitting next to Senator Katz. We've given each other comic relief and also good pointers on things we should be considering in the budget. He has been a gentleman and very professional as well to work with. I have made it a point, as some people have noted, to say less than more in this Chamber because I know that words matter. With that onerous task of getting so many budgets through, I just did not want to go places I didn't need to go on certain issues, although my heart was often with many of the causes and I had hoped to speak. I would like to have spoken more. I also have to tell you that it's been very hard on my caucus because they are new to the Minority. I'm new to the Senate. Often I had to beg, I had to lobby, and sometimes I even threatened. I asked often for a leap of faith on these budgets. I want to thank each and every one of them for having, at some point, voted for a budget with me. It meant a lot. It was an important task for me to meet up with the other Chair and get budgets passed by a supermajority.

Because I know words matter, I have held back, like I said, in expressing concerns about other bills. The budgets I have felt, for the most part, pretty good with, considering where we started and where we landed. Today I do have to tell you I have to take a very strong position on this budget, the Majority Report. My words will be stronger than you are used to, at least in this Chamber. They will be more in keeping with what you may have heard on the radio or read in the papers recently. I just feel, I gave it some thought, that I should be in here and I should also state those words in your presence because it is truly how I feel. It is not personal and I hope it is not taken personally because that is not how I operate. This is politics. I'm expressing an opinion.

Again, I thank my caucus for having voted with me on five occasions. The last one was lit up like a Christmas tree. This time I'm going to ask them to vote again with me, but this time I'm going to ask them to vote against the Majority Budget. If you are wondering why I am opposed to L.D. 1746 I will tell you. I do consider it a sham. I do consider it a shift, a shaft, and, truthfully, a shame for Maine. I see it as a sham because it creates a structural gap, in my opinion. It uses unapproved federal waivers and unfunded tax breaks. There is no crisis, in my opinion, after we run the numbers on the revenue projects as well as the budget balance. OFPR has still not confirmed and solidified the numbers that we have had to work with from the computer crisis. The waivers that are being sought as being booked in 2013, but they have not yet been applied for. We hold in hand a letter from CMS that says they are likely not to be granted. If by some remote reason they are, it would probably take nine to twelve months for that to happen. That means $22 million in this budget will be falling in the lap of the 126th Legislature when they get here. The unfunded taxes, I am all for helping out people with tax breaks, but I like them to be funded. There is going to be $8.7 million in FY 2014 and $24 million in FY 2015 just from this budget alone. That means less revenue and we're also following the trail of about $400 million from the income tax breaks we voted on last year. There is no plan for payment yet. I feel it's irresponsible.

I see it as a shift because it rolls back social benefits for low income and needy people. At the same time, we're generating a new benefit program for those fortunate enough to have pensions. As we know, many Mainers don't have it. Those who do, or who will be coming to the state with pensions, it does not matter how high their income is or what their assets are. They still benefit from this new social benefit, which is a right, like an entitlement. It is permitted by law. We, by voting for this budget, are, in fact, giving the pensioners a new entitlement or social benefit, however you are comfortable saying it.

I do see it as a shaft, and this is probably the part that bothers me the most, because it's a bean-counter budget. It's all about the numbers. It's not about people. We are talking about people on the whole DHHS aspect of this. It indiscriminately removes people from healthcare by drawing a line at a certain number or a certain benchmark, with callous disregard for the person's medical needs or their medical costs. It basically says that if you fall on this side of the line you're off healthcare, if you're on that side of the line you get to continue some healthcare. I think it's a shaft because I know people out there are going to say, will be standing on the front porch saying, "Well, this is great. Our taxes will not be increased. Maybe we'll even get reductions in taxes." What they don't realize, both the property taxpayer and the insured and the hospitals, is that when the 911 call comes in, or these people who no longer have healthcare are in pain and suffering and they walk into an ER, then the property taxpayers and the insured and the hospitals will be picking up the tab.

Finally, I feel this is a shame because I don't feel like we had to go here. We are Mainers. The people that we are cutting benefits from, or taking off programs altogether, are Mainers. There are only 1.23 million of us in the state, so it's pretty much one of those situations where somebody is your friend, somebody is your family, somebody is a co-worker, or somebody is an acquaintance. Somehow you will know these people who are affected. I think there is a better way to assure that these people who belong on MaineCare and receive DHHS benefits continue to do so, while at the same time culling out those who maybe don't belong there through fraud or because of a change in their assets. I think we can do that with a heart and a head. I think we need to use both so that we are not passing a budget that is a shift, a sham, and a shame. Thank you for your time.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, I appreciate the comments of my good friend from York, Senator Hill. Suffice it to say, there are those of us who do not see this Majority Report in the same light. I join with Senator Rosen and Senator Hill in lamenting the fact that we were not able to reach a sixth consecutive unanimous budget. Perhaps that was inevitable in that we left the really tough ones for the end. This report does some things that our caucus felt have to be done, that our colleagues on the other side of the aisle made it clear that they could not support. From our perspective, Mr. President, it's important to remember that there is an $83 million shortfall we still have to address in 2013. The question was how to address it. How to deal with it. It's not fun. It's not easy. We could have taken the less painful route and simply kept our head in the sand and pushed the problem off to the next Legislature. The problems are not going away. The DHHS budget, as Senator Rosen has pointed out, has sprung a leak. We think it's better to plug that leak rather than hope that the ship is miraculously going to heal itself. This goes beyond the deficit we are facing in the DHHS budget this year. We are making, Mr.

President, an effort to steer that same MaineCare ship in a different direction; not a radical shift in course, but a prudent correction.

There have been a number of comments about the Governor's proposals to MaineCare and that this is a Governor's budget. This is not a Governor's budget. This is the Legislature's budget. We have made some significant changes and listened and listened and listened to our constituents and hours and hours of public testimony. We've taken time to study the issues in-depth. As the old saying goes, the Governor proposes and the Legislature disposes. We have agreed with the Governor, Mr. President, on some things. We have rejected some of the Chief Executive's idea. We have modified others. Those of us who are in the Republican caucus in the Appropriations Committee are proud of the work we've done. If there is one thing we've learned, it is a fact that our MaineCare budget is out of the mainstream compared with most other states.

For those of us who are baseball fans, we know that it is good to lead the league in certain things and not in other things. It's to lead the league in batting average or homeruns, but you don't want to lead the league in strike-outs or errors. We are leading the league, Mr. President, in ways that we should not be proud of and are causing us concern with respect to MaineCare. We are spending $1,895 per MaineCare enrollee versus the national average of $1,187. We are in the top five in the entire country in the percentage of our population on Medicaid. We have a 35% higher percentage of folks on Medicaid than the national average. We have more people on MaineCare or Medicaid than we do taxpaying families paying for it. In 1998, Mr. President, MaineCare ate up 12.4% of our budget. Today it is 21% of our budget. We are now to the point where the Department of Human Services, if you add up all federal and state spending, out of all of our spending, 45% is in the Department of Human Services. Since 2002 enrollment in MaineCare has gone up 78%. Mr. President, we have tried to be all things to all people. As a result, we find that we are not able to even serve the ones that most need our help. In the Appropriations Committee, Representative Chase made an analogy that I'd like to share with you. If you go outside of the State House you see where the handicap parking spots are. Those are the people we need to serve. What we've done in the MaineCare budget is we've extended out those handicap parking lots further and further and further into the lot, to the point now where there could be handicap parking spaces 100 yards away from this building. The ones who really can't walk into this capital building are now being forced further and further away because of the number of extra people we've added. That's an analogy to our MaineCare budget. In trying to be all things to all people, we've not devoted the funds to the people who need it most. Forty-five percent of our budget is going to pay for Health and Human Services issues. Again, to think about a baseball analogy, what if the Red Sox were spending all of their money on player salaries and ignoring the need to invest in education, that is their minor league system, or the decaying infrastructure, a 100 year old ballpark? That kind of thinking, Mr. President, doesn't work in baseball and it doesn't work in State government because by taking an increasing share of our budget and applying it only to Human Services and increasingly to MaineCare there are other things we are neglecting. Our roads and bridges need our attention. We can't afford to pay for it. We are supposed to be paying 55% to the General Aid to Education for our K-12 education. We're not doing it because we can't afford to do so. Higher education, we all agreed we'd like to be putting more money into higher education. We can't afford to do so. Part of the reason for that is, again, the increasing spending on Human Services, in general, and MaineCare, in particular. Mr. President, in respect to higher education by way of example, when my father was in the Legislature 20% of General Fund Budget went to higher education. That's now 9%. It's not a coincidence. As a result of our inability and our failure to invest in those other things which we all know are important, your kids and my kids are having a harder time finding a way to stay in Maine.

It's easy, we all know this, it's easy to say don't cut. It's hard work to make targeted, precise reductions. This is a budget from our committee by which we are trying to do our best to bring Maine back into the mainstream. Targeted cuts that will allow us to make other investments that we need to do for a more prosperous future and still, as this budget I believes does, Mr. President, protect the most vulnerable among us. It's not perfect, but it's our best effort. I hope that our colleagues will support it. Thank you.

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

Senator **BARTLETT**: Thank you Mr. President. I am opposed to this budget because it is nothing more than an attack on good, hard working families in the state of Maine. It's an attack on working parents. A single mother of three who will no longer be able to afford the childcare she needs in order to go to work every day. It's about that same mother who is going to get sick and isn't going to be able to go to a primary care doctor because she doesn't have one any more. She's going to miss time from work and she will not be able to take care of her kids. It's an attack on our children, the very youngest infants who are literally saved from abuse and neglect by home visitation. It's an attack on our youngsters, when you are reducing access to early childhood education, which we know has dramatic impacts on their lives and on the state of Maine. It is an attack on our young people, our 19 and 20 year olds, who are just trying to start making their way in the world and are not going to have access to healthcare. It's also an attack on our seniors, leaving no one behind, this bill does. Equal opportunity. It takes away their access to lifesaving prescription drugs. It's often said that budgets are about values. What this budget says to the people of Maine is, "We are walking away from you." We're walking away from the people who are going out, trying to work, and trying to get by. Instead of rewarding that effort, instead of rewarding you for getting up off the couch and going to work, we're going to penalize you for doing it. There is one thing I will agree with. This budget involves structural change. Unfortunately, it is weakening the structure of our state. This budget, if you want to go into yet another analogy, is equivalent of walking into your basement with a sledgehammer and start attacking the very foundation on which your house is built. Hurting our young people, hurting our working families, and hurting the senior citizens who have made this state of Maine great simply weakens the foundation. It incurs much higher costs in the future. It does not stand for the values of Maine people. This document is not about balancing a budget. It reads much more like a political manifesto that we'd be hearing out on the campaign trail. It is not sound and balanced because it violates federal law in at least four ways. The only way to get around that is to go to the federal government and say, "Please give us a waiver." They are waiver that we know are probably not going to

be granted. They haven't been granted to any other state in the union. The indications that we've gotten from the federal government is that they are not going to start with Maine. This budget, from the get go, is not balanced. Why do it then? Why include these provisions that we know are going to get tossed out? Well, there are two reasons. One is from a political perspective, to be able to say, "We made structural change." Maybe if we're lucky you won't have to live with the consequences. The feds won't let us do it. The second reason is that it's a gimmick. It's a way of making it look like you've closed a hole that is still going to exist tomorrow when the federal government says, "You are bound by federal law." I think it's frustrating to see this document coming to us at this stage of the session because there has been a lot of great work that has been done on both sides of the aisle, trying to steer the ship of state. When you start going into the foundation, into your basement, and swinging a sledgehammer, bad things are going to happen. The house is going to start to crumble. There will be consequences. There will be much higher costs to the State of Maine. I, personally, am not going to stand here as a representative of my district and launch an assault on the good, hard working families in the state of Maine. Thank you, Mr. President.

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

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, I stand in opposition to this budget. I'm not even going to talk about how cruel and heartless it is, how it hurts our senior citizens and our babies and working people. I'm actually opposing this budget because it's actually a make-believe budget. It's make-believe because we are booking savings that we don't even have permission to book. We don't have permission to book savings for our maintenance of efforts, cuts that have been made in this budget. We have made the cuts. On the other hand, if we don't get our waivers, I can't imagine how we're going to make the cuts. If we do make the cuts and we are out of compliance, the penalty for that is losing all of our Medicaid money for nursing homes, hospitals, group homes, physicians, and anybody that gets reimbursed through Medicaid. I know that every person on Appropriations knows that. To be so disingenuous and put something forward that is unachievable is just amazing to me. I can't imagine any legislator taking that risk and going back to their district after having voted to perpetuate this kind of make-believe, that we are actually cutting these services when we can't achieve them or that we don't have money to achieve them. Really, it's a matter of priorities. We know where the money is. We all know where the money is, or where it's supposed to be. It's not going to anybody that's in the working class. I'm going to sit down now and ask people not to vote for a budget that is absolutely unachievable. Thank you.

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

Senator **ALFOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, I will be joining my colleagues in voting against this irresponsible budget because of what it will do to our youngest children and families. This budget, in its wisdom, has decided to cut Head Start. I think everyone in this room can understand and knows what effective early childhood programming can do for a young child and for their families. Somehow we have decided that we want to cut this, not just by a little amount but by $2 million and this $2 million magically won't hurt one child or family across the state of Maine. I, personally, don't believe in taking away opportunities for young children and families. I wasn't sent here by my constituents to say, "You know what? You don't deserve a great start to your life and we're going to take, we're going to rip, this opportunity from you because we have a so-called budget crisis." To me, it would make sense, if we want parents to continue working, to not be forcing hundreds of families to make a decision on whether they send their child to Head Start or to continue working. I believe it compromises a safe learning environment for children. It compromise opportunities for families. It is wrong. Let me tell you a short story about the success of Head Start. Karen got pregnant and was very overwhelmed. She applied for Early Head Start. She was assigned a case manager who went with her as she learned the complicated process for applying for public housing and WIC benefits. Once the baby was born, her child was enrolled in an Early Head Start center while Karen went back to school. There is much more to this story. Today Karen is working and successfully raising her child. This budget takes that opportunity away from Karen and her child. Over 200 families are going to lose that opportunity. We might want to talk about 1.4 billion and all these different numbers, but what I think is going to happen in August when this Majority Budget takes effect is that Karen and her family are going to wake up and if Karen did have access to Early Childcare and Head Start that is not going to be there. Then Karen's going to have to make a decision on whether she continues working or takes care of her young child or has to find different opportunities. Why, as a state, would we make this a priority? Why would we say, "You know what, Karen, your young family and your job is not something we prioritize. We are going to take that funding away." I can't understand it. I can't put a price tag on the safety of our youngest and most vulnerable children. Head Start cuts will hurt children and young families. Mr. President, I cannot vote for this irresponsible budget. I believe it is reckless and I simply don't believe it's the right thing to do. 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 stand here today and will vote in opposition to this budget. For me, one of the most deplorable cuts in the Majority Budget is the elimination of home visitation programs that teach parents, young parents, how to be good parents. The Home Visitation Program has reduced domestic violence by roughly 50% throughout this state. It is a program that works. This cut is very personal to me. I personally know the grandparents and the father of young Ethan Henderson, the baby who was murdered in Arundel, my district. I knew the family when they lived in Kennebunkport, my constituents. Jan Collins-Faunce, the adoptive mother of Gordon, was a renowned beloved science teacher at Biddeford High School. She was very involved in the outings programs; outing as in science program of outdoor life. Irv Faunce was a Selectman in Kennebunkport. They were a solid couple and they were asked to be an adoptive parent; foster parent first. They agreed only after insisting that they take this particular family that had three siblings who, in the young lives of all three siblings, had suffered horrendous sexual and physical

abuse. Irv and Jan did their best. I know they provided countless hours of therapy. The Child Protection System operated by DHHS failed miserably in this case. The department had not responded to the warnings of abuse. Had the department responded to the warnings by the childcare provider, both parents were working, and used the Home Visitation Program to teach Gordon Collins-Faunce how to a father, how to remove the stress of two small twins, one who was quite sickly, and perhaps had provided the home environment that they needed, we would not be talking today about the death of a two and a half month old child who was beaten so badly that the child was put on life support and blinded. It was Gordon's adoptive father, Irv, who held that baby as he was taken off life support. We cannot guarantee the success of every baby, but we must implement policies that allow us to move forward on this goal. We cannot have the headlines be about domestic abuse. With the economy bad, yes people, it will get worse. We know it as a teacher in a classroom. We know when there are money problem, where people begin to drink too much or they become overcome by stress, it's not kicking the cat, it's often kicking the child. We need babies that are born in Maine to be able to be relatively reassured that they will go to homes where love and the knowledge to parent exist. That's public policy. That's caring. There is a saying, "Give a man a fish and he eats for a day. Teach a man to fish and he eats for a lifetime." I'd change that a little bit. I'd say; teach a person to be a parent and teach a person how to deal with stresses. Maybe break the vicious cycle that they grew up with and they know nothing else, especially in those early years. Gordon was 8 years old, who in this case the father and the murderer, when he was removed from several different homes permanently because he had been so badly abused. People tried. He couldn't handle it. We need to put the time and effort into our very young and our very old. I would ask you to teach a person to be a parent. There are many ways to offer the Visitation Program. I was talking earlier with a fellow colleague here. Their program is run somewhat differently. Some are run through Head Start and some are run through grant programs. Instead of cutting the program, just slashing it, let us please take a look to find the policies that are most effective, the ways that we offer this, and make sure that programs like the Goodall Hospital in Sanford, Maine and some of your local chapters in your counties can offer home visitations. We can observe the environment the child is in to see if it is safe. These babies cannot speak. We must be their voice. I cannot vote for this budget because, indeed, as somebody said, we are just counting dollars. We've not made sure that the policy is solid. This policy is not solid. I cannot vote for this. For my friends, Jan and Irv Collins-Faunce and for the children that I have dedicated my life to, I will vote in opposition to this budget.

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

Senator **JOHNSON**: Thank you Mr. President. You have probably figured out by now, having heard me speak on matters before, that I'm also not going to support this budget. It's not only reckless, irresponsible, penny wise and pound foolish; it goes further than that. You've just heard one real story about how real people's lives are affected or shortened by the programs we implement and the programs that we cut. I have another example for you. This is one we still have a chance to make a difference in. A young gentleman in my district has an 18 year old who got very sick. After seeing multiple doctors, he was advised that his kidneys were failing. At that time, they were only working at 10%. He was placed on a very strict diet and he was told that in five or six months he would be on dialysis. He would have to be on dialysis until he could get a new kidney. He was a senior in high school, but he had to drop out because he had too low an energy level with his illness. He doesn't have a high school degree. Health is an obstacle. He can't work to make money. His mother, who works full time but doesn't have medical insurance for herself or her youngest child, managed to get MaineCare coverage. They don't know for how long. Certainly we are looking at cuts to the program that would allow the 19 or 20 year olds to be covered. We're talking about eliminating them. For this young man, that would be a death sentence because his mother and he, himself, cannot afford the operation. They can't afford dialysis. They can't afford the drugs for the rest of his life so that he doesn't reject his transplant. I'm telling you that you are making a very real decision about people's lives here with this budget. These are not just numbers. These are people. These are people that we are deciding whether they will have the opportunity to lead productive lives. We talk all the time about how we should be giving people a hand up, not a hand out. Here is a chance for someone to make something of his life. We're about to tell him that he's just a statistic and it's alright if he dies instead. I can't vote for this budget. You'll be hearing more from me.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, I've heard words this afternoon; cruel, heartless, disingenuous, reckless, deplorable, and others. I'm not sure what budget these speakers refer to. I don't think it's this one. God forbid we look at the facts. Let me just talk about three program cuts that have been raised here this afternoon as being cruel, heartless, disingenuous, and etcetera. Head Start is a federal program. It's federally run. We're one of only 15 states, Mr. President, that puts any money in Head Start. My friend from Cumberland is correct. We're talking about a $2 million cut. That's about 7% of Head Start's total budget. There will still be $440,000 of State General Fund money, $1.3 million of funding from the Fund for a Healthy Maine, and $32 million of continued federal funding. Hundreds of kids getting pushed off. If Head Start can't figure out how to serve the same population with a 7% cut I'd be surprised. How many in this Chamber haven't had to make a 7% cut in their own budgets in the last couple of years and been able to get by? How many businesses do folks own in this Chamber, or are involved in this Chamber, that haven't had to sustain a 7% cut, but have been able to redo things and have been able to do things more efficiently? Head Start, I'm absolutely confident will do the same through their fundraising and through their volunteer solicitation. We're out of the mainstream, Mr. President, in the fact that we even put State dollars into this important program. We're going to continue to do so. This is hardly a gutting of Head Start. It is a 6% or 7% cut.

Nineteen and twenty year olds, I guess it's heartless and deplorable to remove 19 and 20 year olds from MaineCare. We are one of 15 states, Mr. President, that even has funding for 19 and 20 year olds. We're out of the mainstream. It's all a matter of priorities. It's nice if we could cover everybody, but this is one population that I would respectfully suggest is not necessarily a

priority to put millions of dollars into. We're not cutting MaineCare for all 19 and 20 year olds. Senator Johnson will be pleased to know that the individual he identifies is undoubtedly going to qualify for MaineCare in some other category, not just by virtue of the fact that he is 19 or 20 but because he's disabled. Those who have persistent mental illness will also qualify under different categories. It's a luxury to pay for 19 and 20 year olds and it's a luxury that I respectfully suggest we cannot afford. It has unintended consequences too. We all know that 19 and 20 year olds are the most healthy in our population. Many 19 and 20 year olds, and you've heard it around your district because I certainly have in mine, work in a hospital, or they work in other businesses, and they have relatively inexpensive health insurance available to them. They choose not to take it. Why? Because they qualify now as 19 and 20 year olds for MaineCare. Some of those people will come off. This is not going to be thousands of people who are going to be without insurance. We're only talking about 7,000 people altogether anyway. Many of these people will, in fact, take healthcare from their employers. That will help drive down the cost of healthcare for the rest of us. It is a reasonable setting of priorities, from my perspective, Mr. President.

Lastly, I heard, with great eloquence, about our attempt to eliminate home visitation services. I respectfully suggest that's hardly what is going on here. Right now we're spending about $5 million a year on home visitation services. We are talking about making a modest cut of State dollars. Keep in mind, Mr. President, we're beginning now to receive a $30 million federal grant over four years for home visiting services. They are important. When you start at the beginning and go to the end, what we'll see is that we are going from a $5 million a year program to a $10 million a year program. There are some restrictions to the use of those funds. When you get down to the weeds, the fact is that we're going to end up with a much more robust program that is going to serve more families and will serve more families better.

Again, Mr. President, all of these cuts have been thought about long and hard. They are targeted. They are reasonable. They place us in the mainstream. They will, again, protect the most vulnerable, whether they are young or whether they are middle aged, or whether they are old. 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 an alarming fashion, based on what I've heard. The notion that we're choosing between our youngest and the most vulnerable in what others claim as modest and luxury and that we are out of the mainstream. Helping a child is not out of the mainstream. Giving a child an opportunity that that young boy or girl wouldn't have but for the programs like Head Start. Two billion dollars is not modest. You have life changing events when you are growing up. I recently became a father. I look to the future, frankly, most days through my daughter's eyes. I know that she is very fortunate, based on the community and family that surround her. Many young daughters, many young children and many young boys, don't have the same opportunity. Their only chance is the hope and the prayer that Head Start, the programs that we fund, give them the opportunities to succeed and to perform well in school. If you haven't noticed, we only have about a 32% proficiency rating in reading. We aren't even at the average of 50%. Fifty percent of our forth graders don't read with proficiency. If we make more cuts to Head Start how is that going to help that? How are we going to build on the many strong family units that we have in this state, because there are many family units that are not strong. My in-laws served 175 children as foster parents. Those kids didn't have a chance. We're asking all those families to do more through fundraising. We're asking them to do more while making analogies. We shouldn't be making analogies about children's lives. We shouldn't be cutting taxes at the sake of our children in situations like this.

I am one that voted for many budgets, much to the chagrin of many of my Democratic colleagues I am sure, because they were reasonable, they were responsible, and they were consensus driven. This budget fails all those factors. We can do better. We should have done better. This budget jeopardizes the lives and opportunities, most importantly the opportunities, for those children to succeed, for those children to live prosperous lives, and for those children to increase our median wage in this state. We need to increase our median wage in this state. Without that, without education we can't do it. Reducing Head Start and the programs that we're cutting today reduces the amount of opportunities that we're going to give kids. Those are the differences in priorities. Those are the things we have to think about. Those are the actions that we're fighting for on this side of the aisle and we're standing up for. Mr. President, unfortunately I anticipate this budget is going to pass, but I'm proud of all my colleagues that are standing up today and explaining what's going to happen.

I go to ten town meetings a year. In almost one of those town meetings someone stands up and says, "You know what? We can't cut this program because it's for our kids." They are often the most conservative people in that room. They show up and they raise their hands to appropriate more money because it's for the children. They are concerned about property taxes, trust me. We should be doing better. We can do better. This budget reduces opportunities, reduces programs, and jeopardizes many young children's opportunities. Thank you, Mr. President.

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

Senator **ROSEN**: Thank you Mr. President. Men and women of the Senate, the claims regarding the impacts from the proposal in the budget as it relates to Head Start are emotional, but they are incomplete. I know I am on the bean-counter committee. Every once in a while down there we do spend a little time trying to understand the broader trend of what is happening. When we look at resources available for young children in this state, it's interesting because we have a declining enrollment in our K-12 public schools. At the same time in the biennial budget we put an additional $65 million into K-12, including resources for K-3. We spent a tremendous amount of time this session talking about CDS and the tens of millions of dollars in that system that are available for students and available for infants and small children 0-5. We looked at the Head Start program. We've already had listed the $32 million in federal funding, the fact that it's a federal program, and the amount of money available. Is it the 7% cut in Head Start or is it the fact that all of these resources have overlapping programs, including, by the way, more and more schools that are beginning to develop and offer pre-K programs. Why? Because of their declining enrollment has put them in a position that they actually need to go out and compete to maintain

the population and the funding in the school and they offer pre-K. Do we have a problem with the coordination of all these overlapping programs? This past Summer I had the opportunity to sit on the streamline task force. We spent a lot of time looking at Head Start. We spent a tremendous amount of time looking at CDS. We've been following the issues in K-12. I know the Senator from Cumberland, Senator Alfond, is particularly interested in these issues as a member of the Education Committee. He has expressed a great deal of passion. It's very difficult to translate what's being represented here as impacts when you don't understand the whole picture. Is it the system that we created or that has evolved over time that can't seem to apply all these resources in a way that is effective and coordinated? Maine is one of the states that, over the years, has decided to participate in this federal program, Head Start, with a check from the State. Other states do it through county government. Other states do local fundraising. Other states do it with in-kind contributions, including donated hours from parents. All acceptable off-sets and donations. While I appreciate the emotion, I think many of us on the Appropriations Committee are able to also feel the same emotions and concerns. Line it up with our bean-counting tendencies to say that when we look at the population, we look at the need, and we look at the assets that are available, it is difficult to accept that a 7% cut in the Head Start program is going to result in some of these outcomes.

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

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, I just wanted to make a couple of remarks regarding the statements of the good Senator from Kennebec. I would like to state some numbers that just came up from OFPR. We actually have cut $79 million in 2012 - 2013 from services that are offered through Health and Human Services. That's a lot of money and that does have an impact on a lot of people. There are a couple of other things. One is that I have a homeless shelter for youth in my district. There are young people who live there. Many of them live there because their parents are not able to take care of them. They are using substances, using drugs, using alcohol, or whatever, which makes it impossible for those children to stay at home. Some of them are included in the cuts for 19 and 20 year olds. They are just getting their feet under themselves, to finish school, and to get on with their lives. I cannot imagine young people living in a shelter that have no healthcare and no way to access healthcare for themselves. That is something that I am very, very worried about and wonder whether or not they can actually maintain their placement in those facilities and not have healthcare services.

So far nobody's talked about the Fund for a Healthy Maine, which is just such a soft spot in my heart. The Fund for a Healthy Maine remains our state's primary investment in public health and preventative care. With healthcare costs on the rise, it's more important than ever to protect these funds, to prevent costly chronic illnesses, and promote healthy living. That includes smoking cessation, which I see in the budget as having gotten a hit. Head Start is another program at risk and that money is also taken out of the Fund for a Healthy Maine, which is not taxpayer dollars but monies that are set aside from the tobacco funds that keep our state healthy. I think that, going back to Head Start, it really creates a terrible barrier for some young parents who are working and who need this service for their kids. According to a 2012 report from the Chamber of Commerce and the Maine Development Foundation, investing in care and education starting at birth foster greater success in school, as well as remedial education costs, and also helps the economy. Furthermore, Maine Drugs for the Elderly is paid for through the Fund for a Healthy Maine. There again, we are losing that service that is not paid for with taxpayer dollars but through dollars that are set aside to keep people healthy and to prevent higher costs from emergency rooms and people suffering more chronic illnesses. I just hope that people think more seriously about what the impacts of this budget has on our state and vote against it. Thank you, Mr. President.

Senator **SNOWE-MELLO** of Androscoggin requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Session.

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

Senator **DIAMOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, I will not take long. I do want to thank everybody and say how proud I am, to those who are listening, of the level of debate on this very emotional topic. Anyone who thought this Chamber didn't have the capacity to debate something like this and do it at a high level, they were wrong. It has been very high level and I'm proud to be a part of it.

I want to thank the Appropriations Committee for the five unanimous budgets. In fact, I was communicating with the good Senator from Kennebec, Senator Katz, a couple of days ago on another issue. I said in a P.S., "My money is on you guys to come up with a unanimous budget. I'll bet you will do it again." I bet maybe you almost did. I'm not sure, but I think the competence and the desire at least to try to do it right was there. I'm sorry it didn't work out.

One of the things that bothers me about this budget; there are a couple of items, but the one that bothers me the most is the one on the home visitations. I may have a misunderstanding of what that is all about but, as far as I understand, the home visitation piece is the one that really does, hopefully, find abusive situations in the home, either before that sort of thing starts or maybe just after. I don't what the possibilities are of adding that in. I know there is an amendment coming to the Majority Budget, if the Majority Budget passes. That's one area I think we really should look at again. I'm willing to stand corrected if my understanding of the home visitation is off. I think it isn't. I think the fact that what they actually do with that program is that they actually do rescue kids. If that is the case, and if there is some way we can keep that in, I think that would be a tremendous step forward by this Chamber. Thank you, Mr. President.

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

Senator **BARTLETT**: Thank you Mr. President. Numbers and statistics can often be very deceiving. It's easy to look at it in terms of pure dollars and cents, whether it's a 7% cut here or a 15% cut there or $2 million here. If you look at that total, you can

make it seem like the cut is insignificant. If, however, you are the parent of one of the 1,400 kids who is no longer going to have access to affordable childcare, and you are going to have to give up your work, that is a huge impact on your family. It's a 100% loss to you. If you are one the 750 families who lose access to the home visitation and the assistance you get dealing with alcohol and drug abuse or domestic violence or issues around neglect, that is a life changing event. If you are one of 14,814 working parents who no longer have access to healthcare, and if you get sick you clearly cannot pay your medical bills and are likely to lose your job, that is a world of difference to you and to the people of this state. If you are one of 5,649 seniors in our communities who lose some or all of your access to lifesaving prescription drugs, that is a world of difference to you and your quality of life and your ability to live, in some cases. If you are one of those 19 or 20 year olds who gets sick or contracts a chronic disease, it's a world of difference when you don't have any access to healthcare. It means you may not be able to work. It means you may not be able to be productive in society. It means you may have a much shorter life because of it. These impacts are real and they affect real people. It's fun to try to hide behind numbers or to massage those numbers, but at the end of the day we're talking about thousands of Maine people whose lives will be dramatically changed. We'll be hearing from them when they wake up one morning and they can't go to work because they don't have childcare or they were denied a prescription that they'd been getting for years that was helping them maintain a decent quality of life. When those impacts are felt, we will hear it. That sad thing is that it's going to be too late for some people. That's the danger in this budget. Thank you, Mr. President.

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

Senator **ALFOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, I want to follow my friend and colleague from Cumberland to talk about more people and more young children that are going to be affected by this irresponsible budget. Something that hasn't been talked about is what happens in our schools. Right now this budget is making a deep cut to our healthcare centers. You might think that some people might say that these healthcare centers are luxurious or they are out of the mainstream. I would counter that, in fact, these health centers that evaluate and treat illnesses, give dental screenings, and give medical exams, I don't think that is luxurious. I don't think that's out of the mainstream. I think that what it is is a real basic service that we are providing to our youngsters who then probably spend more time in school. Their parents don't have to drive them across a couple of towns or go to different doctors offices. It provides a real opportunity for youngsters, for our students, to stay healthy. I guess you've heard this a lot from this side. I don't believe that taking away primary healthcare from our most needy children is something I want to do in the 125th. With this budget we are doing it. I would also contend that if we want students to learn and learn well, if we want students to be healthier and stay healthier, then we should not be cutting these services from our schools. From parents, what do they think about these healthcare centers? They love it. They love it for the accessibility and they love it for the convenience. Students, they like it too because now they don't have to leave their schools and are not interrupted by lengthy doctor visits.

Here parent Candy Bridges said, "I really appreciate the reassurance and peace of mind just knowing that the health center is there. For physicals, it is very convenient. I don't have to take them out of school for a day and a half. Flu shots too. Both of my sons are in the upper level classes and miss class time that is very difficult to make up. The dental van services also provide great saving for our family, as well as being so convenient. There are some health needs that are more chronic and do require travel to specialists and they let us know." I just don't understand how we honestly can be making these cuts when we know that students across the state will be hurt dramatically. We know that when these cuts are made these students will lose their effectiveness. Like my colleague from Sagadahoc said, we already are far behind in some of our reading proficiencies and other things.

I think there are also some trends that I'd like to share. I think there are some trends in that our businesses are asking for stronger workforces. Stronger students. Students coming out who can think creatively and communicate well. Who can collaborate. What these cuts are doing, I don't think that's strengthening the state of Maine. I certainly don't believe they are investments; these new investments that we need to make. I'm sorry, folks, but by cutting programs for young students and families, I don't think that is what I was sent up here to do. We had a choice in this last budget. We had a choice to come and potentially get a sixth unanimous budget or to go with this Majority Report. It saddens me that we're here. It frustrates me that this is the best we can do. It also disturbs me because I know what's on my screen and on my telephone. Then there will be the letters that will be sent starting the end of August, when all these letters will go out telling the 20,000 plus Mainers that their basic coverage is no longer there. A quick calculation, because no one wants to talk about the five different budgets and all the different structural changes we've created, means that potentially somewhere between 40,000 to 60,000 Mainers will lose their coverage in the 125th Legislature. That's something we can be proud of. That's going back to the mainstream. That's the priority that we should be proud of. Between 40,000 and 60,000 Mainers have lost their coverage during the 125th. That is outrageous. The most vulnerable people in our state. I'm sorry, Mr. President, once again, I cannot support this budget. Thank you very much.

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

Senator **JOHNSON**: Thank you Mr. President. I heard comments about infrastructure and education when we frequently talk about structural change. When I was in my district a little while ago, someone who works for part of that Healthy Maine Partnership, part of what we're about to cut funding for, was talking to me about what their program does and voiced their greatest concern with the funding for the program. It's not just that they are providing education to young people about healthy lifestyles; whether that is avoiding unwanted pregnancies, whether it's eating well and having good nutrition, or whether it's not starting a lifetime addiction to tobacco. All of these things are important for different reasons, such as Maine actually being an outlier in terms of having low levels of teenage pregnancies. We should be proud of that. There is an outlier we're about to give up by removing funding for providing the kinds of education that would keep us there. Her greatest concern was not just that these programs were going to suffer and that Maine people would

suffer because of it. You cannot make, in her words, these kinds of cuts without losing infrastructure. You lose the people who no longer have a job to provide this kind of education, that know the kids in the district, that know where they hang out, that know the school system, that know the townspeople, that go in and speak to them about the importance of funding programs that matter to that various towns, and that know where to find kids at their hang outs and reach them with this message. Those people who no longer have a job doing that move on to somewhere else where they do have a job. In that line of work, that is your infrastructure. The people who know the people of the district. The people who know the programs. The people that know who to talk to and how to make all of this work and how to get through to kids. They are the infrastructure. When we cut funding for programs like this, we lose the capacity. We cannot simply fund it again later and suddenly have a program in place. We've lost the infrastructure by which that program was implemented. The people who know how to do it in those districts and know those citizens.

It's been mentioned already that the Maine Development Foundation supports and speaks to our need to provide better early childhood education. It's one thing to say that this is only a 7% cut, but when you think about the fact that we're not doing enough early childhood intervention, we're not providing enough early childhood educational opportunities for kids, and that both the Maine Chamber and the Development Foundation say we need to do more if we want to have a decent future, then even 7% is entirely in the wrong direction.

I want to tell you one more story. I know that this one is not influenced entirely by what's being cut in this budget. It's actually a combination of what we've already done and what we're about to make worse. There is a Mom, a young mother, who does not have full custody of her son. She works, but she works at Thomas College and sometimes UMA as an adjunct instructor. This means that she doesn't get health benefits. She doesn't get dental. She doesn't even have reliable employment from one semester to another or over the Summer because it depends on what the other professors that aren't adjunct professors want to teach for courses and whether they need her services. She's applied for dozens and dozens of jobs over the last few years. She has a problem with earning less than $1,000 a month. Here are more conditions and realities of her life situation. She has epilepsy. She's had epilepsy and the kinds of seizures and conditions that have gotten worse since she was first identified with it at the age of 17. She used to have MaineCare. Because of the cuts she has to pay for the $1,200 a month it costs for her medication that she has to take three times a day to control the epilepsy, which Maine does not consider to be a disability, so that she can be a mother to her son, so that she can hold a job, so that she can drive to look for employment and go to her place of employment, and be productive. She's been kicked off MaineCare four times recently. She has gotten a notice once again, the day after it went into effect. As you can imagine, when she earns less a month than her epilepsy medication costs, that puts a real strain on her. It means we're telling her that she has to stop working and become someone with a more serious financial problem so that she can qualify for some kind of service that will get her epilepsy medicine. It means that she will have to become someone who does not have treatment for epilepsy and, therefore, requires someone to watch out for her all the time because it's a life threatening condition. That would also mean that she could not find herself a permanent home situation that she cannot afford right now because she's dealt with those several times. She's had to pay for all that medicine that she couldn't afford and, at times, deal with seizures because she couldn't afford enough of it. She's been denied MaineCare coverage repeatedly as of late and then regained it. This is a person who wants to work, wants to provide a good home situation, regain the custody of her child, and raise her son in the best circumstances for that child to be productive. We're working hard to take away any opportunity for her to qualify for that.

I can't support this budget. I understand that some people like to deal with numbers and talk about how it's a small percentage and we should absorb it, that it's a small program. These are some of the realities of what we're dealing with. These are people whose situations are going to get worse. These are people who, because of that, are going to represent greater costs to us. It is penny wise and pound foolish. It is real lives that are affected too. Her life is not going to be successful if she can't have her medicine. Neither will her son's. We talk about the people being pared off these programs. I would argue that we should be making more real structural change if we're looking at managing the costs of these programs. Someone alluded to the figure that we spend on average on the MaineCare recipients, the truth is that nobody receives the average amount, or very few do. The amount of benefits different get varies according to their problem and their circumstance. There are people who are receiving necessary care that is very expensive. A small percentage of people. We're not doing anything to manage that. I would submit to you that instead of looking at this and saying, "Well, paring a few people off, denying real people what they need, is structural change." I would argue that is not structural change. That's dropping people off the edge. Real structural change would be finding ways to make her medicine cost less than $1,200 a month so that maybe she could afford it herself. Why aren't we doing that? I can't support this budget. I can't support it because I think it's really irresponsible for us to make a dimmer future for the people that are going to be working the jobs in this state, people that we are trying to educate to bring jobs to this state as an educated workforce, and the people that are trying to get by and hold down jobs and be productive. I think that's definitely penny wise and pound foolish. I won't be voting for this budget.

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, we heard a couple analogies about baseball, strikes and errors. Growing up I played a little bit of baseball. Later on in life I played a lot of softball. I coached some baseball. I definitely know strikes and errors. I also know that some people, when they get up to bat, can be standing there and a sweet one comes down the middle. They swing and hit that with everything they've got and connect. Right out of the blue, somebody will stick their glove out and catch a perfect line drive. There is nothing that anybody can do about it. It's part of the game. Sometimes the best swings are strikes, errors, and outs. That's what happens many times with people in this state and in this world. You can be going down life's highway and be a great ballplayer, but right out of the blue you can get struck with some type of illness that you'd never seen coming, but somebody stuck their glove out and put it in you. That's the type of thing that we see in this state with people. We spoke about this before. Through no fault of their own, they've ended up with some type of

affliction that's caused them to be sick. Maybe they'll end up on a program that the State of Maine has because they had no other options. We've done things in this state, in this Chamber, that has increased the cost of health insurance. L.D. 1333, however you want to talk about it, it has not lowered the cost of health insurance in Aroostook County. It's driven it up. More businesses quit providing it. There is even less of a chance for people to go out and get health insurance on the private market. When they are low income and they are able to get onto MaineCare because they have some affliction that, quite honestly, is their only option. They are not going to be able to get it privately. I couldn't afford private health insurance with the job I have. The statement that 19 and 20 year olds should be able to go out and get healthcare through the business or the job they are working for, I don't know where that would be in my district. I really don't. There is no one that I know that has logging jobs that provide health insurance for their people in my area. I just don't know them. It's very hard for me to sit here and say that's not going to be a problem; that those 19 and 20 year olds can go out and get health insurance or these people that have dropped from 133% down to 100% of poverty level, which I believe is going from $14,000 down to $10,000 a year. Ten thousand dollars a year, I think some of us in here make that in less than a month. There are some people that actually make that over the year. What do you do? You can't start charging more per hour. These people are working at minimum wage jobs to begin with. I just think that it's unfair for some people to just draw a line and say, "You make $19,000 in a year, so we can't help you any more with your prescription drugs even though those prescription drugs may cost $1,000 a month." I'm sure that there are some people that have to pay that. To say, "Sorry, you're $19,001 and we can't help you any more." I don't understand. Those people are out there. They are not going to go away because we say that their not there and people are not going to be harmed by this budget. They are not going to go away. What do we do? Do we get a caller I.D. that shows up $19,000 whenever people call so we can take their call? If it's $19,001 we don't take their call. They are going to call you. Do people not take those calls? I heard about having a head in the sand. I don't know if I have my head in the sand or what. I know that people call me with real problems. They are honestly sick. They honestly have no other place to go. Now I've got to tell them, even more people, "Look, I'm sorry, but there is absolutely nothing I can do to help you." I know that people will say, "Troy, that's not true. You're crazy. There isn't anyone out there that's going to die because of this budget." I think there will be. I know that there are people that have died because of lack of healthcare, not being able to afford healthcare. I know them. They were close to me. You can't tell me that there isn't going to be someone else that's going to end up in that situation. I've got to tell you, I look around this room and I don't feel bad for anyone that's made it, that's well off. I don't. I'm glad for you. There are people that aren't like you. They haven't made it. They are not going to make it. We're in a capitalistic society. The fact is that we have to have poor people so there can be rich people in this society. They are always going to be there and they are always going to struggle. You can't just say, "Well, I hope this is going to work." It isn't. Somebody is going to get screwed in the end. I've got to tell you that we are all State Senators in here. We all worked and did what we had to. Being a Legislator gives you a lot of influence and power. I never signed up to be the person to decide who lives and dies in this state. I will make tough decisions, but I am not going to tell somebody, "I'm sorry, you can't have healthcare any more. Now go away because I don't care what happens to you now."

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

Senator **PATRICK**: Thank you Mr. President. Men and women of the Senate, colleagues and friends, I rise this afternoon to explain my stand on the budget that is before us. I've heard about bean-counters, statistics, and values. Every morning, Mr. President, we open the session with prayers. We almost always hear that we should take care of the less fortunate, the needy, and not abandon the poor. We always ask for Devine guidance and wisdom. I started this way so I can explain that 24 days ago my mother was just a couple of breaths away from dying. She pulled out of it. She bounced back and had two great weeks. If you know anything about me and a little bit about my Mom, we had a cool relationship. We talked about a lot of things and not always politics. My Mom had a picture of her and Governor Baldacci at a barbeque where she was lobbying him for more money for the nursing home and for the wages that the nursing home people got. On one of the visits, just a couple of weeks ago, she told me how proud she was of me and of my support for those in need, like the residents of the Rumford Community Home. That's where she was a resident. She gave me two pieces of advice. She said, "Son, always listen to your heart." The second was to remember the letters on that little rubber band that she kept on her nightstand; those letters were "WWJD". For those of you who don't know what they stand for, they mean "What Would Jesus Do?" That's a gift my mother gave to me. As a State Senator, I believe I always take that into consideration before I vote because I think I'm a pretty compassionate person. I also listen to what the needs are and the amount of money we have available. My mother passed away this Friday morning at 12:07. Mr. President, this budget, in my mind, does not contain the strong Maine values or the Christian values my mother and I believe in. I believe this budget is harmful. It is hurtful. It is shortsighted and extreme. I'll be voting in opposition to this budget in memory of my Mom and for the many citizens that have contacted me to vote against this budget. I'd also like to say, the way these budgets go, if the budget is not going take effect until mid-August, are we going to come back because this budget is a 12-month plug, an 11-month plug, or a 10-month plug? I don't know. I know after hearing what I heard, I'm extremely happy with the Minority Party. I see right now here in the Chamber there is only one Minority person missing at this time. I would probably say they are all here. Right now there 13 Majority Party seats in the Senate Chamber at this point not here listening to the importance of what's going on in this budget for the people of the state of Maine. Therefore, Mr. President, I will not be voting in favor of this budget in my mother's memory. Thank you.

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

Senator **HILL**: Thank you Mr. President. Ladies and gentlemen of the Senate, I just had to rise because I couldn't contain myself any more. Obviously, I seemed to have managed to do that until my chance to get up and speak. I am not used to using baseball references and analogies with regard to State matters. I hear it happening more and more. While I enjoy baseball, I'm not sure I enjoy talking about people who are making millions of dollars as

an analysis or a reference when we're talking about people who are really needy and poor. If we've got to talk about them, for God's sake, let's talk about the good things about them, not what their scores are and how they do on the field. Let's talk about somebody like David Ortiz, who sends millions back to his country to help the poor and needy. That's what I'm impressed about with him, not how he handles a bat. The other thing I've got to share with you, Thursday in the work session before the committee I was subjected to what I felt was like a supremacy rally at one point, based on what happened with one legislator and what they started to say. It was kind of like shock and awe. I'm still reeling from it. I must have spoken to 50 people about it the last few days because I can't get over that it happened in the State House of Maine. You know what? Gosh darn it, I had to hear it again. It's about handicapped parking. I'm not being emotional, I'm just not very happy. Needing more handicap parking spaces, to me, is a great sign. It is a testimony that people are recognizing the ability of the disabled and the handicapped. Aren't we a better place in state government here in Maine because we've got an AG, Mr. Schneider, we've got Representative Crafts up here, we've got Representative Peterson, we've got Representative Mazurek, and I'm sure there are a host of other staff and State Legislators that I don't even know who are using those parking spaces. God bless them, keep on using them. That's my position. Suggesting that we should have less handicap parking is very much a big part of this budget. We never had a public hearing on it. We never discussed it. It just came out in a work session as an analogy, like I said, much to my shock. I'll tell you what it does. It sends chills down and up my spine. These are the kinds of words that were talked about in the 20's and the 40's that came across the Great Pond. Those kinds of ideas. I don't want to hear that kind of talk any more. What I want to hear is that all over Maine we're going to be adding more and more handicap parking spaces because that means we're a better state and a better society. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (S-572) Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#492)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-572)** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-572) **READ**.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "J" (S-589) to Committee Amendment "A" (S-572) **READ**.

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

Senator **ROSEN**: Thank you Mr. President. Men and women of the Senate, this is only a technical amendment to the budget. Even though we're all very careful downstairs as we go through the final drafting process, invariably there is always a need to make sure that we have the opportunity to make very, very minor technical adjustments if need be to the budget. That's what this amendment does. I encourage your approval.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "J" (S-589) to Committee Amendment "A" (S-572) **ADOPTED**.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "H" (S-587) to Committee Amendment "A" (S-572) **READ**.

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

Senator **ROSEN**: Thank you Mr. President. Men and women of the Senate, this is not a technical amendment. This amendment is offered to hopefully improve the bill, to make some changes to the Majority Report, which I believe will be more universally acceptable to all members of the Legislature. In particular, first of all this amendment would propose to provide additional funds, $500,000 of additional funds, to serve individuals on the waiting list for services under the MaineCare benefit Section 21, Home and Community Benefits, members with intellectual disabilities or autistic disorders. This is an effort to reduce the people that are on the waiting list for the developmental services in the waiver program. This amendment would also propose to remove from the Majority Report the $1.25 million cut, or deappropriation, to services in the Mental Health Services for Children account. These residential services had a reduction in the Majority Budget, to make a cut to those reimbursement rates to those residential services. This removes that $1.25 million reduction. We propose to replace that with a small reduction of $375,000 by reducing funding to optional coverage for children who are behavioral challenged and who are in residential settings. This is consistent with information that we received related to the original proposals in the Governor's original budget and the hearing information that came forward. This reduces the impact. It is more targeted and has less of a negative impact. Finally, this includes funding of $22,007 to offset a 10% rate reduction for adult family care services. This 10% rate reduction was adopted in a previous budget. As many of you may have been hearing from some of the adult family care providers, there are many particularly along the mid-coast that found this 10% reduction very problematic.

This is a restoration of the previous cut and eliminates that 10% reduction. I would encourage your support.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "H" (S-587) to Committee Amendment "A" (S-572) **ADOPTED**.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "D" (S-580) to Committee Amendment "A" (S-572) **READ**.

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, this amendment amends the portion of the budget that gives the sales tax exemption to logging equipment. While I think that's a fine thing, I'm a little confused that we actually had something that would have given some help to the Maine loggers in this state that got vetoed and sustained at the beginning of this session. At the time we was told there would be something better coming. I don't really understand how this is better because from what I understand it's push to 2014. For another whole year there will be no actual help. Part of my confusion with this is that we didn't get the budget until Saturday, at think at 1:58 is when I received it on-line. I don't really know how much is going in there. In the past I've seen that it was $320,000. When I look at that sales tax exemption for something costing $450,000, that's going to end up being $22,500 of a sales tax exemption. If 13 people happen to buy this equipment, then the $320,000 is all gone. I'm confused. It seems like there is going to be a lot of people that might be upset in 2014 because it doesn't seem like it's funded accurately. In addition to that, what I'm concerned about more than anything is that I believe that under this piece in the budget anyone that has a U.S. corporation here in Maine can file and get exemptions on any logging equipment. What concerns me about that is the same thing that you all know that I fight about all the time, there are companies out of Canada that file for corporation here in Maine and then turn around and get these exemptions. I don't think that's appropriate. Just like with the Tree Growth Program, which we've had the debate on. This is a sales tax exemption. I don't think that's appropriate for someone that really has their business in Canada to get sales tax exemptions and for all of us to have to pay for that. I also don't think it's appropriate for those companies to bring their foreign workers into Maine and get those sales tax exemptions. This amendment would make it very clear that you have to have a place of business here in Maine, a physical place, and you also can't be using foreign workers under the H2 Bonded Program to get the sales tax exemption. Only Maine companies that hire Maine people can get the sales tax exemption because the sales tax exemption is going to be paid from Maine people. I think that's appropriate. We've just seen one of these companies, Le Transport Roux, which just the name of it would tell you that it is probably a company out of Canada, just the way it's said. They are a U.S. corporation. They got fined by the Maine Department of Labor. During the hearing, the person that they sent to advocate, to argue for their position, was the brother, and part owner. When asked under oath, he was a bonded worker. There he was, the part owner of the company and was a bonded worker. That is the type of thing and people that can apply for this sales tax exemption and get it. It floors me that anyone would want that to happen here in Maine. That's why I put the amendment in.

Senator **ROSEN** of Hancock moved to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-580) to Committee Amendment "A" (S-572).

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

Senator **ROSEN**: Thank you Mr. President. I certainly appreciate the efforts and the sentiment of the Senator from Aroostook, Senator Jackson. I would discourage the members from trying to get into a complicated discussion of H2 bonded labor and application of sales tax and developing a differential that may or may not be consistent with current law on the floor of the Senate. I would recommend that an effort like this be better handled in a committee with full vetting.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Jackson to Adopt Senate Amendment "D" (S-580) to Committee Amendment "A" (S-572). 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 (#493)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-580) to Committee Amendment "A" (S-572), **PREVAILED**.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "I" (S-588) to Committee Amendment "A" (S-572) **READ**.

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, this amendment is about a facility in Limestone, as the summary says. This facility is something that has a lot of jobs in Limestone, which is obviously a very depressed area now with the closure of the Loring Air Force Base. It provides some of the better jobs in Limestone. The simple fact is that a number of years ago, probably two or three years ago, they had a review. The State has, basically, condemned the building and said that they have to repair it or rebuild it. You can't take away that action by the State. They've condemned the building. The people that own the Manor, Chad Cloutier of the Cloutier Agency, actually went to the State. They said to look at repairing it. They brought in an architect design people and they said it's something that can't be repaired to safety standards. The foundation is undermining. The building just is not worth sinking the money into it and still maybe have it, somewhere down the road, be condemned again. The State said to go ahead and do the architectural design of a new place. The people who own the Manor bought land in Limestone, committed to the town of Limestone that they would be rebuilding there. They went out and spent, I think, $400,000 on design and groundwork and everything for the Manor and then were told that they would have to put that hold. They also had gone to T.D. Bank North and I believe they had to put $10,000 up for the loan application. They were approved for the loan. Because of banking regulations, and it set so long, they've now lost that $10,000 and the application is void at this point. They would have to go ahead and spend another $10,000 to get another application. The fact is that the State is sitting on something that they've told these people in the past to go ahead on. They were going to sign off on it. They've spent all the money on the design. Now they are saying no. They are kind of stonewalling. I don't think it's fair. I don't think it's fair to any business to be struck like that. We've talked about that, about letting businesses go out and do what they do. We know that this Manor has to be rebuilt. There are plans for it. It's good for Aroostook County. It's much needed. All they need to do is have the State sign off on it. As of now, they have failed to and not wanted to because of reasons I'm sure some of us might be able to surmise. Quite honestly, the only option I can see at this point is to have the Legislature tell them to go ahead and do what they should have done, quite honestly, a while back. That's why I put in the amendment. I think there is absolutely no reason why this doesn't happen. I hope you support it.

Senator **ROSEN** of Hancock moved to **INDEFINITELY POSTPONE** Senate Amendment "I" (S-588) to Committee Amendment "A" (S-572).

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Jackson to Adopt Senate Amendment "I" (S-588) to Committee Amendment "A" (S-572). 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 (#494)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "I" (S-588) to Committee Amendment "A" (S-572), **PREVAILED**.

Committee Amendment "A" (S-572) as Amended by Senate Amendments "J" (S-589) and "H" (S-587) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-572) AS AMENDED BY SENATE AMENDMENTS "J" (S-589) AND "H" (S-587)** thereto.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

The President requested the Sergeant-At-Arms escort the Senator from York, Senator **COURTNEY** 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 **JONATHAN T.E. COURTNEY** of York County.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Amend Provisions Limiting the Return to Work after Retirement by Teachers, School Employees and State Employees"

S.P. 542 L.D. 1632

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-567)** (5 members)

Tabled - May 15, 2012, by Senator **ROSEN** of Hancock

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

(In Senate, May 15, 2012, Reports **READ**.)

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

Senator **ROSEN**: Thank you Mr. President. Ladies and gentlemen, this bill, L.D. 1632, is a bill that was to provide that the limitations on the conditions of restoration to service after retirement would apply only to school superintendents, principals, and not State employees and teachers. If you recall, in the bi-annual budget we had included a provision, which was passed, adopted, and enacted into law, which was intended to deal with what is popularly referred to as the double-dipping. That is the issue that is of concern to some, many members of the public, when a public employee, whether it's state government or the schools or other public employees, are eligible to retire, and exercise their privilege to retire, and then immediately return to work and collect their pension and also their salary. The limitation that we put in law in the budget that was adopted to address that practice was to limit the salary at 75% and the length of ability to work in that dual capacity at five years. What you have before you is a bill, L.D. 1632. I will describe to you the committee vote and then sit down and allow the sponsor of the bill to continue the description of the bill. The committee Majority voted to reject this, it is an Ought Not to Pass Majority Report, for a couple of reasons. First of all, we had only just enacted this change and we thought it was appropriate to give it a little more time to be in place and to settle in and see if it is effective and works the way folks hoped it would work. Also there are some concerns that returning to the old practice does create a block in the career ladder and the upward mobility, as is available for other teachers, administrators, and people in state government, and their ability to continue to climb that ladder and to move ahead. With that, I'll sit down and encourage you to support the Majority Ought Not to Pass Report.

On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 366

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

April 13, 2012

The 125th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 125th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1745, "An Act Regarding the Fee for Amusement Ride Inspections and the Development of Options To Move the Responsibility of the Inspections from the Office of the State Fire Marshal."

The original bill brought forward was intended to reduce the burden on the understaffed Fire Marshal's Office and allow them to refocus on their primary responsibilities. Instead, the Legislature completely rewrote the bill to increase fees when the work could easily be done in the private sector. The final result is that the regulated community will pay more to the State for services it already receives - that is something I cannot support.

Additionally, the Fire Marshal's Office has faced recent funding shortfalls since fees are not coming in as expected. We need to stop trying to fund core state operations on fees alone and recognize that the General Fund should be used for these public safety purposes. It is simply a matter of priorities.

Lastly, the Legislature directs the Department to conduct a massive study with the very limited resources available. The goal of this study is to put forward legislation around private licensing of inspectors. The Department already offered that proposal to the Legislature, which it turned into this bill. It is time for action, not more studies.

For these reasons, I am returning LD 1745 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Accompanying Bill:

An Act To Privatize the Inspection of Amusement Rides in Maine
H.P. 1287 L.D. 1745

In House, May 15, 2012, this Bill, 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?"

105 voted in favor and 37 against, and accordingly it was the vote of the House that the Bill become a law notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

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

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

Senator **MASON**: Thank you Mr. President. Men and women of the Senate, the bill that is before you was a long talked about compromise in the committee. This bill was brought to us by the Department of Public Safety and one that deals with the issue of amusement rides and what they do in that department to inspect the rides in the state. We came together with this amendment. I think that it provides a good balance of both worlds. I will leave that for your consideration. Thank you for the time, Mr. President.

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

Senator **GERZOFSKY**: Thank you Mr. President. Ladies and gentlemen of the Senate, the answer to the question, should we allow this to become law, is yes, we should. I've been waiting all session to say something that loud. I'm not done yet. I'm going to tell you why we should. We all like to have fairs. We all like to have amusement rides at them. We all enjoy our non-profits being able to derive some of their income from that. This bill came in front of the committee, to give you a little history. I've been on the committee for a little while. We discussed some of the Fire Marshal's issues over the years. During budget cuts in the past we have swept that account until it didn't exist any more. Also we were never raising fees on some of the services that they were providing. One of the fees that we hadn't changed in as long as I've been here was the fees on giving safety inspections of the rides that we find at our fairs and our charitable events, like in Brunswick where we have the St. John's Bazaar. They were getting a really great deal and they really knew it. When the bill came in front of the committee, and the industry came in front of the committee to talk about it, we were looking at privatization of this whole thing. I know that is a big word on some sides of the aisle, not on all sides of the aisle. I actually looked to see how we could do that. One of the walls we ran into was that no company in the state of Maine currently has the personnel or the experience to do it. This really concerned a lot of the ride owners because their real insurance is the inspection process they go through. They really thought we were doing a great job. It was a little bit cheap, but a great job. Inexpensively. They saw the deal they were getting. We discussed it in committee. The industry met with the department. They talked to the committee. We figured out there was no way on God's green earth that we could create an industry from scratch overnight. We couldn't get the professionalism that our Fire Marshal's Office was providing the industry. They said, "Please continue doing what you are doing until we can work this thing through. Please raise our fees so that the Fire Marshal can continue doing it in the professional manner that they have been doing it. Continue giving us the service that we're accustomed to. Please continue to have the relationships with the inspectors that our ride owners currently enjoy." The committee worked very hard and very diligently because we didn't want to raise fees. I can remember my first year here, the longest debate I saw in the other Chamber was raising the fire inspection fee on your insurance policy. It was over an hour and a half debate in the House. It was the bloodiest thing I ever saw. I can remember my good seatmate at the time, I looked at him and I said, "Do we go through this all the time?" He said, "Ya, welcome to the House." It was a very important conversation that we had because we could talk while the debate was going on because I didn't have a clue what was going on. I was brand new. It left an indelible mark on my memory of how this place worked and the things that we can debate and how long we can debate them. Every year when the Fire Marshal came in front of the committee we asked, the first question, "How is your banking account?" Probably the Governor was going to sweep out some of it. He always did. We wound up in a mess this year. We wound up in the pickle that we weren't going to be able to have rides in the state of Maine because we weren't going to be able to inspect them. We wound up in the pickle that we weren't going to be able to assure the people of the state of Maine that when they go on a Ferris wheel that it had been inspected. We couldn't give those ride owners the assurances that they were going to have safe operations because you can't ask them to inspect their own rides and have any credibility, especially if there is a problem. They have to be able to go and take care of that problem, not like doing it with the Fire Marshal's Office, and doing those high quality inspections that truly appreciated and they told the committee just how much they supported that. The industry's suggestions, we went along with them. The department's suggestions were that we raise the fees to cover the costs; not to make money on it, but to cover the costs. We knew what the costs were. The industry told us what the costs were. It was still far cheaper than trying to bring a company in from another state, that has no relationships, to do the inspections that wouldn't be done with the same quality of inspection. They told us that. It was still a much better deal for them. What the committee did was what they were asked to do by the department and especially by the industry that we're regulating. We continued to serve the people with public safety so they know that when they get on a ride it's got a sticker on it that's been put on there by the Fire Marshal's Office. It had been

put on there by people that have been inspecting these rides for years, know the operators, and know how to conduct their business. It's the one place that I've found in that committee where it was cheaper for us to do it, it was cheaper for the State of Maine to do it, than it was to bring a company here from away that didn't have any of those relationships or any of those interests. Ladies and gentlemen, we don't always overturn a Governor veto. I don't vote to overturn a Governor veto, but this is an instance where we need to do it. We need to support that 12 - 1 committee report. The people in my committee, the Democrats and Republicans both, their number one concern is always public safety. I have a fireman sitting next to me on that committee. I have a retired State Trooper sitting on that committee. I have a Fire Chief from Lewiston sitting on that committee. That committee is built for public safety. That committee is full of people whose lives are wrapped around performing public service to public safety. Ladies and gentlemen, you had three Senators on the report. You have a 12 - 1 committee report. You had all law enforcement and firefighters on the committee supporting this. It's not something that we looked at for an hour. It's something that we looked at for a long time. We had to take breaks, go out and talk, figure it out, and let the industry lead the way. They are the ones we are servicing; the people of the state of Maine and the industry that is coming here to service them. Ladies and gentlemen, I urge you to please overturn this veto. The question is; shall we turn this into law? The answer is a resounding; yes. Thank you very much, ladies and gentlemen.

Off Record Remarks

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

Senator **HASTINGS**: Thank you Mr. President. Ladies and gentlemen of the Senate, after that resounding oration, I'm going to tell you that I urge you to sustain the Governor's veto. I'm going to tell you why, just as you heard another perspective. I'm going to tell you first, in the interest of full disclosure, while I'll soon be vacating my seat here in this Body, I am, and I hope I will continue, the First Vice President of the Fryeburg Fair. Maine's largest agricultural fair and the sponsor of the largest midway in the state of Maine. I can tell you that Fryeburg Fair, and not just the Fryeburg Fair but the entire Maine Agricultural Fair Association, has asked me to convey to you that they would ask you to sustain the Governor's veto and for many of the same reasons that the Senator from Cumberland said. Perhaps they are the same primary reasons; public safety. We would all be concerned if a ride failed and somebody gets hurt. Think of us, operating that fair. This is vitally important to us, that rides are inspected properly. It's vitally important to us that they be done by the State who has very expert inspectors. They are they only ones around here, as a matter of fact, the only ones in the state. The fair's support of the Governor's veto is for somewhat opposite reasons from the Governor's stated reasons. His biggest concern was the fees. I can tell you the fairs aren't concerned with the fees. They are willing to pay the cost of those fees if that were the only thing in front of us. That's not the issue for the fairs. The issue to the fairs is the problem of privatizing the inspection process. The bill addresses the immediate problem, that there isn't a qualified private inspector within probably 1,000 miles of Maine right now. There is no one that can do it without great expense. The real problem with the bill is that the second part of the bill creates a study to investigate and to head us down the road of privatizing the inspection of our rides. I can tell you the ride operators may be fine with that in the long run, because it's the ride operators at the fairs who pay for the inspection. At least at Fryeburg, we don't pay for it. We're just concerned that it be done properly. Tell me, it's going to be human nature, once we have a privatized inspection system, for any operator to try to hire that inspector who has the reputation of being the most lenient, the less troublesome. We see it everyday when we get our cars inspected. We all know inspection stations that have a reputation of looking the other way at a little rust or a bald tire. We all know that exists. We don't want to go down that road with our rides. We think it's too important. If we sustain the veto, what happens? We don't start down the road of privatization. We are sending a message that we want the Fire Marshal's Office, in this particular instance, to be the inspector of record for our amusement rides in Maine. Yes, we're cutting back on a fee increase and that was not the fair's objection to the bill. That can be dealt with. We've also been told recently, as late as within the last hour, that the funding crisis that the Fire Marshal's Office had been experiencing is actually starting to be resolved. They found, I'm told, the way for another $700,000 to be available for the Fire Marshal's Office. Their funding crisis is over. It doesn't exist. This is not a big expensive process. Maybe they are losing a little money on it. Maybe that can be fixed later, I don't know. Ladies and gentlemen, I urge you to sustain the veto to avoid heading down the road of privatizing the inspection of our amusement rides in Maine. I can tell you that the Maine State Fair Association urges you to do the same, as does the Fryeburg Fair. Thank you very much, ladies and gentlemen.

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

Senator **GERZOFSKY**: Thank you Mr. President. Ladies and gentlemen of the Senate, if you remember, last year we looked at fireworks. Last session. The committee had dealt with fireworks over the years also. We said to bring the industry in to tell us how to regulate it. Bring the industry here to tell us how we can allow fireworks into the state of Maine and how to be safe. I can remember the committee listening to the lobbyist and the industry came in to explain to us just how we could do that. We didn't want to reinvent the wheel. Again, we don't want to reinvent the wheel. We're doing a good service now. I just heard my friend from Fryeburg say that. They want the inspections to continue. They probably are very concerned about it being privatized, and I heard that. The part of this bill that I thought was very important was the industry and the department was going to get together and figure out the best way to go forward. Get us through the Summer and let's go forward to see just how we're going to do this; whether we are going to privatize it with oversight of the Fire Marshal's Office. Just how we were going to make this go forward, similar to what we did on fireworks. The Body passed the fireworks bill so that communities had an opt out. It worked very well. My community opted out, one of my other communities opted in. My Senate District is half yes and half no. I can sit on my porch and watch fireworks out of one side and have it quiet on

the other side. It worked out well. I think that this bill, and supporting the committee's decision on this bill, is the proper way to go forward so that we can get our Fire Marshal not running in the red, not making a big profit, but making the industry comfortable and keeping those rides coming here. I think it benefits the citizens of Maine to be able to go to our fairs and have those rides, because without that inspection you're not going to have anything in Fryeburg except the trotters. I would like to say, Mr. President, in a more quiet manner, the vote is yes.

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

Senator **PLOWMAN**: Thank you Mr. President. I greatly enjoyed the remarks of the Senator. I think he told us he didn't know how to operate in the House. It reminds me of the day that he showed up in the Senate and he didn't know how to operate in the Senate either. We had to teach him how to press the buttons. I'm glad to see that he's come a long way. I refuse to debate the issue because I don't want him to have another heart attack. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is shall this Bill become a law notwithstanding the objections of the Governor?

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#495)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, GERZOFSKY, GOODALL, HILL, HOBBINS, JACKSON, JOHNSON, MASON, PATRICK, RAYE, SAVIELLO, SCHNEIDER, SHERMAN, SULLIVAN, WHITTEMORE, WOODBURY

NAYS: Senators: COLLINS, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SNOWE-MELLO, THIBODEAU, THOMAS, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

ABSENT: Senator: DILL

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, and 20 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

COMMUNICATIONS

The Following Communication: H.C. 373

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

May 15, 2012

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

Dear Secretary Carleton:

House Paper 1137, Legislative Document 1550, "An Act To Change Document Filing Fees for County Registries of Deeds," 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?"

94 voted in favor and 48 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

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

READ and **ORDERED PLACED ON FILE**.

The Following Communication: H.C. 374

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

May 3, 2012

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

Dear Secretary Carleton:

Please be advised that pursuant to House Rule 201.1, (I) the Speaker made changes to the following Committees effective immediately.

The appointment of Representative Aaron F. Libby of Waterboro to the Joint Standing Committee on Energy, Utilities and Technology was rescinded and Representative Philip A. Curtis of Madison was appointed to the Joint Standing Committee on Energy, Utilities and Technology.

The appointment of Representative Sara R. Stevens of Bangor to the Joint Standing Committee on Appropriations and Financial Affairs was rescinded and Representative Emily Ann Cain of Orono was appointed to the Joint Standing Committee on Appropriations and Financial Affairs.

Should you have any questions please do not hesitate to contact me.

Sincerely,

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

READ and **ORDERED PLACED ON FILE**.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/11/12) Assigned matter:

HOUSE REPORT - from the Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 1, section 94, on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1383 L.D. 1868

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-928)**

Tabled - April 11, 2012, by Senator **HASTINGS** of Oxford

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

(In House, April 10, 2012, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-928)**.)

(In Senate, April 11, 2012, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-928) **READ**.

On motion by Senator **HASTINGS** of Oxford, Senate Amendment "B" (S-566) to Committee Amendment "A" (H-928) **READ**.

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

Senator **HASTINGS**: Thank you Mr. President. Ladies and gentlemen, when the Errors Bill hits the floor it's the sign that things are nearly wrapped up. I am going to present a few amendments to the bill. I will explain them briefly. I am going to start off by saying the Judiciary Committee has, for my entire eight years here, under Senator Hobbins, under Senator Bliss, and now under my Chairmanship has done its best to avoid sneaking anything that would be considered substantive or that should have gone through the process elsewhere. I think have cured the Bodies of the habit of trying to use the Errors Bill for that. That being said, these amendments will be of low level substance. This amendment does a lot. It deletes a comma. It deletes one comma from a bill that we all passed earlier this year, which allows emergency responders who are from out-of-state and who come into Maine to help to be absolved from certain fees. They were intended to be absolved from unemployment insurance taxes while they were here. The bill as pass, though, had a comma after "unemployment insurance" so it said that they were excused from "unemployment insurance, taxes." You could read that to say that they were excused from all taxes. The intent was to excuse them from unemployment insurance tax. The committee has indicated to us that they unanimously are in agreement that they made a mistake and that they would like that corrected. That's what this amendment does. Thank you very much, Mr. President.

On motion by Senator **HASTINGS** of Oxford, Senate Amendment "B" (S-566) to Committee Amendment "A" (H-928) **ADOPTED**.

On further motion by same Senator, Senate Amendment "D" (S-585) to Committee Amendment "A" (H-928) **READ**.

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

Senator **HASTINGS**: Thank you Mr. President. This amendment is even easier. It deletes from the Errors Bill, as was initially presented to the Body, certain sections which were fixed, if you will. The Errors Bill was fixed in the last supplemental budget that we passed. The sections that should have been corrected, I think, were taken out in that budget. Anyhow, this section of the Errors Bill is not necessary any longer. This amendment simply deletes that from the Errors Bill. Thank you.

On further motion by same Senator, Senate Amendment "D" (S-585) to Committee Amendment "A" (H-928) **ADOPTED**.

On further motion by same Senator, Senate Amendment "E" (S-586) to Committee Amendment "A" (H-928) **READ**.

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

Senator **HASTINGS**: Thank you Mr. President. Men and women of the Senate, you can see the excitement we have in the Judiciary Committee when we go through the Errors Bill. We get to do this about 55 times. This amendment is really all about mahogany cohogs and mussels. This Body and the entire Legislature earlier this session unanimously, as an emergency, adopted regulations that streamlined the process by which the Department of Marine Resources can close contaminated shellfish flats. Much to the consternation of the Marine Resources Committee, they have since discovered that the definition of shellfish used in that law left out mahogany cohogs

and mussels. This amendment to Errors Bill will include those two creatures into the definition of shellfish in the emergency legislation that we passed earlier this year. Thank you.

On further motion by same Senator, Senate Amendment "E" (S-586) to Committee Amendment "A" (H-928) **ADOPTED**.

Committee Amendment "A" (H-928) as Amended by Senate Amendments "B" (S-566); "D" (S-585) and "E" (S-586) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-928) AS AMENDED BY SENATE AMENDMENTS "B" (S-566); "D" (S-585) AND "E" (S-586)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Making Supplemental Appropriations and Allocations from the Highway Fund for the Expenditures of State Government To Address Revenue Shortfalls Projected for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY)
H.P. 1420 L.D. 1916

Presented by Representative CEBRA of Naples. (GOVERNOR'S BILL)

Committee on **TRANSPORTATION** suggested and ordered printed.

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

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

Ordered sent forthwith to the Engrossing Division.

Senate at Ease.

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

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

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 York, Senator **COURTNEY** to his seat on the floor.

Senate called to order by the President.

Off Record Remarks

Senator **SULLIVAN** of York 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 Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2012 and June 30, 2013" (EMERGENCY)
S.P. 600 L.D. 1746
(S "H" S-587; S "J" S-589 to C "A" S-572)

In Senate, May 15, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-572) AS AMENDED BY SENATE AMENDMENTS "H" (S-587) AND "J" (S-589)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-572) AS AMENDED BY SENATE AMENDMENTS "H" (S-587) AND "J" (S-589) AND HOUSE AMENDMENT "L" (H-974)** thereto, in **NON-CONCURRENCE**.

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

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

Senate at Ease.

Senate called to order by the President.

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:

ENACTORS

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

Act

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013

S.P. 600 L.D. 1746
(H "L" H-974, S "H" S-587; S "J" S-589 to C "A" S-572)

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#496)

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

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

ABSENT: Senators: BRANNIGAN, DILL

19 Senators having voted in the affirmative and 14 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.

Ordered sent down forthwith.

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

ENACTORS

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

Emergency Measure

An Act Making Supplemental Appropriations and Allocations from the Highway Fund for the Expenditures of State Government To Address Revenue Shortfalls Projected for the Fiscal Years Ending June 30, 2012 and June 30, 2013

H.P. 1420 L.D. 1916

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#497)

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

NAYS: Senators: None

ABSENT: Senators: BRANNIGAN, DILL

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.

Ordered sent down forthwith.

Senator **ROSEN** of Hancock 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.

Off Record Remarks

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

Off Record Remarks

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

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

Off Record Remarks

On motion by Senator **COURTNEY** of York, **ADJOURNED**, until Wednesday, May 16, 2012, at 11:00 in the morning, in memory of and lasting tribute to Kathy Cowley Fuller of Hallowell and the Honorable Joseph Sewall of Old Town.