

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fifth Legislature
State of Maine

Daily Edition

Second Regular Session
January 4, 2012 to May 31, 2012

Pages 1594 - 2357

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

In Senate Chamber
Wednesday
May 16, 2012

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

Prayer by Senator Margaret M. Craven of Androscoggin County.

SENATOR CRAVEN: Thank you Mr. President. Good afternoon. I'm offering a prayer of gratitude this afternoon for the honor of being able to be in front of you and to pray. I have two items to pray for today. One is that today is our last day for the 2nd Session. Who knows if God is listening to those kinds of prayers. The second is for members in this Body who have spent the entire year in public service, doing our very best for our constituents, and especially for members who are termed and may not be coming back to the Body next time. As we all pray in our own tradition, I will pray in my tradition.

May the blessings of the rain be on you, the soft sweet rain. May it fall upon your spirit so that all the little flowers may spring up and shed their sweetness in your air. May the blessings of the great rain be upon you. May they beat upon your spirit and wash it fair and clean and leave their many shining pools where the blue of heaven shines and sometimes a star. May the good earth be soft under you when you rest upon it and may it rest easy over you when at last you lay under it. May it rest so lightly over you that your soul may be out from under it quickly and up and off and be on its way to God.

Dear Lord, give me a few friends who will love me for what I am and keep ever burning before my vagrant steps the kindly light of hope. Though I come not with insight of the castle of my dreams, teach me to be thankful for life and for times olden memories that are good and sweet and may the evening's twilight find me gently still.

May your day be touched by a bit of Irish luck, brightened by a song in your heart and warmed by the smiles of the people who love you. Amen.

Pledge of Allegiance led by Senator Nichi S. Farnham of Penobscot County.

Reading of the Journal of Tuesday, May 15, 2012.

Off Record Remarks

COMMUNICATIONS

The Following Communication: H.C. 376

**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
3 State House Station
Augusta, Maine 04333

Dear Secretary Carleton:

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

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

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.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (5/15/12) Assigned matter:

SENATE REPORT - from 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

**Report - Ought to Pass as Amended by Committee
Amendment "A" (S-569)**

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

Pending - **FURTHER CONSIDERATION**

(In Senate, May 15, 2012, Report **READ** and **ACCEPTED**.)

READ ONCE.

Committee Amendment "A" (S-569) **READ.**

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

Senator **ROSEN:** Thank you Mr. President. Men and women of the Senate, just a few brief comments. The bill here is a unanimous report out of the Appropriations Committee to put forward a General Obligation Bond to replenish the Maine Technology Institute with \$20 million. There may be folks who would like to speak specifically to this proposal. I just want to take a moment to talk in general terms about what we have been doing to help in the Appropriations Committee as it relates to General Obligation Bonds. I want to thank the members of the Appropriations Committee. When we broke in April we were expecting to adjourn. Everyone, all of us here, makes plans for the rest of April and the month of May, on what we're going to be doing. We've all altered those plans, of course, to make sure that we're here to complete our work. The members of the committee worked through that break. I want to acknowledge that, and I want to thank them very much for being here and putting in the time necessary to do the work on the budget, the work on this bond package, and the work on the bills on the table. We spent some time examining our debt capacity downstairs and conducted, what I believe, is a current, up to date, and thorough analysis of where we are in terms of our ability to borrow in the State of Maine and our ability to accommodate and put out to the voters requests for their approval or dismissal of new authorizations for General Obligation borrowing. It was the determination of all members of the committee that we could, in fact, put forward a prudent, targeted, and carefully-crafted bond package. We do, in fact, have the capacity in the \$100 million range, which is what we're looking at here. We have a \$95.7 million package, or a \$99.7 million depending on which way you go on a couple of these. It's under \$100 million. We see that we, the State of Maine, do believe we have that capacity. We do have the ability to service that debt going forward. We have examined the ability of the State to accommodate that level of debt service. We think this is a reasonable total. I wanted to make sure that I expressed to you the work that the committee did to examine and to understand both our borrowing history, our status of debt that is being retired, and our projections going into the future, both from the revenue side of the equation and debt service costs. I think that the entire package is worthy of your support and encourage you to support this and the rest of the five bonds that make up the \$95.7 million package. Thank you, ladies and gentlemen.

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

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, I can't not speak to this bond issue in particular as one of the keys to the future, I think, of growth in the state of Maine. I know that we all, in this Body, want to see an economy that is growing, that's robust, and that provides great opportunities for every Maine citizen, particularly for our young people. I know that one of the great concerns is our export of young people to job opportunities in New England and elsewhere around the country. I know, as the father of one of those exported young people, I'd like to think that he could return to Maine and have every opportunity provided for a good, well paying job here in Maine, as he has in the Boston area. One of the keys to that growth of our economy is our commitment to research and development.

As the co-chair of the Maine Economic Growth Council, I can say with some disappointment that every year, for I believe the last four years or perhaps the last five years, in our Measures of Growth report we've assigned a red flag to our research and development investment. That's not entirely the fault of the State. It's not entirely the fault of the current economy. It's not the fault of businesses here in Maine. It is something that we have an opportunity to impact. It's important that we make those investments in research and development. I know many people sort of picture test tubes and the esoteric laboratory work that might go on, but when we're talking about research and development here in Maine, in the context that we are through the Maine Technology Institute, one of the things that we're talking about here is the support, the enhancement, and the growth of our traditional industries; fishing, farming, forestry, the ship building industry, and all of those things that present opportunities for us to innovate. Eighty percent of the growth of gross domestic product, nationally and internationally, is recognized to come from innovation. Innovation comes from research and development expenditures. We, as a Legislature, in 2010 made a commitment to the Science and Technology Action Plan. We adopted that as our plan, unanimously, House and Senate alike. In that plan, we made a commitment to a \$50 million biennial investment in research and development. We need to live up to that commitment because as it is now we are investing overall, in the State of Maine, less than 1% of our gross domestic product in research and development. The benchmark is a 3% investment to see a growing economy. We not only don't stack up well in the United States, we don't stack up well in New England. We don't even stack up well with our competitive small rural, poor states around the country that are part of the EPSCoR program that specifically drives federal investment when it's matched by state investment in research and development. We don't stack up well against them. We can do better. This is our opportunity, I think, to do better.

We are doing things with wood chips being turned into possible jet fuel in Old Town, Maine. We've developed a vessel for the Navy Seals down in Hodgdon Yachts, that builds upon one of the old traditional ship building companies in the United States but brings in new technology through the University of Maine. We are doing things in tidal energy in conjunction with our friends who were here earlier from the Maine Maritime Academy and the University of Maine. Down in Eastport we've got the Coast Guard station being run by a tidal energy project which partly received research and development dollars through the Maine Technology Institute. Unless you think those dollars are not well invested in some way, not only do they generate matching dollars, but they

are measurements. The awarding of those dollars is on a competitive process and we are recognized nationwide. I can tell you, I've been to conferences and I know the good Senator from Penobscot, Senator Schneider, has been to conferences, where we've met with folks from around the country and we represent the gold standard of measurement and understanding that our research dollars are being well spent. I think there is no concern that these dollars will be invested properly and I think a \$20 million bond package now is the very least that we can be doing to assure that our economy is going to continue to grow. I urge your support of this bill.

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

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

Senator **JOHNSON:** Thank you Mr. President. I stand in support of many of the same ideals raised by the Senator from Knox County. In particular, I want to reinforce that this is not just a program that we promised to Maine's future and that growth we need. It's not just a step towards reaching that 3% objective that we need. It is all of those things. I'm here to tell you, as well, that in my own district there are wonderful examples of how this is bearing fruit, how it is strengthening the economy. Bigelow Laboratories for Ocean Sciences has the world's largest collection of marine micro-organisms, the largest in the world. We're drawing scientists from all over the world to work there, build their homes there, to live there, and to add to the local economy. That is on top of what they are bringing in for building in that sector and the cluster of industries and businesses in Maine based on what they've learned through that research. This is vital to growing our economy and it is working. From past investments we've made towards this competitive grant application process, this is something we profoundly rely on for Maine's future and we need to continue it. 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 very briefly and applaud my colleague from Knox, Senator Rector, for both his comments and his advocacy for this. I would encourage you all to support this. More importantly, I encourage all of us to go out into the streets as the Summer goes by, whether you are campaigning or termed out, and talk about the importance of this bond package and convince voters, based on your knowledge and stories and your visits to former grant awardees. We all received those postcards. Like you, I visit many of those establishments and many of those businesses that have succeeded and grown their businesses based on bond packages that we've passed here in the past. It really goes to what's happening on Main Street. I know in my district Micro Technology, which since has been renamed Kennebec Bio Sciences, has grown as a result of prior bond packages that we have passed, working in conjunction with Bigelow Laboratories. That's a story from my hometown. You all have your stories. It's important that we send a unanimous message of how important this bond package is to long term economic growth and job creation in this state. As Senator

Rector said, we have to do better. We are not funding research and development to the level that we should in this state, collaboratively with the private sector. We're well under the 3% that we should be doing. This is a step in the right direction and it is really about long term prosperity. We'll be coming upon other bond packages in a few moments that have more of an instantaneous job creation effect. This one is really about long term sustainability; having our young graduates come back or stay here in Maine, getting jobs, growing businesses, and helping entrepreneurs. This bond package is something that we have to act on in a unanimous fashion and send the message to Maine voters of how important it is for our long term success in this state. Thank you, Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I really appreciate what all of my colleagues have said thus far at the beginning of this discussion on bonds because I think that this is a very important one. I think that there are others to follow that are going to be equally as important. I just want to just speak about the general idea of bonding. For those of you who may have some reluctance in passing bonds, the beauty of this, and the beauty of the way this system works, is that when we support this it is the ultimate in local control. If we vote against these bonds, it is denying the citizens of this state to determine whether or not they believe that this is important. If you believe in real local control and the people's ability to determine for themselves whether or not they think that this rises to the level of importance, then I really urge the support of this to allow them to make up their minds on these bonds. There may be some hesitancy about supporting bonds because of an ideological decision. At the same time, if you feel that it's important to allow people, the people of this state, to decide, then I urge you support this because there is no other decision that rises quite as high as this, other than to elect us to these positions that we hold and to be their voice. This is giving them a voice to really make their own decisions. I urge your support. Thank you very much.

THE PRESIDENT: The pending question before the Senate is Adoption of Committee Amendment "A" (S-569). 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 (#498)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MCCORMICK, PATRICK, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: MASON, PLOWMAN, THIBODEAU, THOMAS, WHITTEMORE

30 Senators having voted in the affirmative and 5 Senators having voted in the negative, Committee Amendment "A" (S-569) **ADOPTED.**

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

Ordered sent down forthwith for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (5/15/12) Assigned matter:

SENATE REPORT - from 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

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-568)**

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

Pending - **FURTHER CONSIDERATION**

(In Senate, May 15, 2012, Report **READ** and **ACCEPTED.**)

READ ONCE.

Committee Amendment "A" (S-568) **READ.**

On motion by Senator **THOMAS** of Somerset, Senate Amendment "A" (S-590) to Committee Amendment "A" (S-568) **READ.**

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

Senator **THOMAS:** Thank you Mr. President. Real quickly, ladies and gentlemen of the Senate, let me explain what I'm doing here. The second line in this Transportation Bond sends \$5 million to local road improvements through the URI program. The URI program is a percentage of the total Highway Budget that is fully funded. If we were to send this \$5 million, it's not going to change the amount that goes to the towns and cities. It just will go to the bottom line of the Transportation Budget at any rate. What we'll do is we'll establish a precedent that might be followed later on where these URI block grants would become dependent on bond issues and our local governments depend on these block grants to help maintain their roads. It's the way we share the gas tax with local government. They are so important to our local communities. We can't let them become dependent on bond

issues because maybe there won't be a bond issue like there wasn't last year, or maybe, by some chance, the voters will decide to fail the bond issue. Then what would the towns do? How do they maintain their roads? It needs to be fully-funded from the Highway account and it needs to be one of the first things that we pay because actually local governments maintain more road than the State does. That doesn't include the State roads that local governments provide Winter maintenance for, the snow plowing. What this amendment does is it takes that second line of local road improvements and adds it to the top line of highway and bridge improvements through the capital fund. It's the same amount. It doesn't change the total amount of the bond; it just moves it where it should be. Thank you.

On motion by Senator **THOMAS** of Somerset, Senate Amendment "A" (S-590) to Committee Amendment "A" (S-568) **ADOPTED.**

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

Senator **ROSEN:** Thank you Mr. President. Men and women of the Senate, the amendment that the Senate just agreed to attach is certainly an enhancement to the package. I would like to point out to our good friends on the Transportation Committee that, as I mentioned in our caucus, this Transportation Bond is paid by U.S.D.A. Prime General Fund dollars, 100%. This is a bond that is supported out of the General Fund, not out of the Highway Fund, because that borrowing capacity is maxed out. This is a further contribution to the Highway Fund. It is my hope, and raised expectation, that with the funding from the General Fund and the attachment of this amendment, that we enjoy the support of all the Transportation Committee members for this bond proposal. Thank you, Mr. President.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I think that we all realize the importance of the Transportation Bond, number one, to maintain the integrity of our infrastructure here in Maine, for those highways and bridges. It also employs a lot of Maine people. Good paying jobs with benefits. This Transportation Bond is quite varied. I'm sure you've all had a chance to look at it. It does such things as dredging of Mack Point in Searsport right down to partial funding for Life Flight helicopters and the service they provide to Maine people. It's all transportation related and vitally important. We can't grow our economy without maintaining our infrastructure and rebuilding it when necessary. It's an ongoing battle because, quite honestly, ladies and gentlemen, we live in an adverse climate here with the frost and cold weather. It demands constant attention by Maine DOT and the Maine people who work for Maine DOT. In closing, I urge your vote in support for this Transportation Bond and its importance to Maine people.

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

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

Senator **JOHNSON**: Thank you Mr. President. I'll be brief. I just wanted to add that, aside from the fact that we have a great challenge in trying to maintain our roads because of the weather, we also have the challenge of doing so while realizing that we have twice as many miles of road per person to maintain. This is really important. Even as it is an expensive proposition for people to maintain roads, it's a very necessary one. Managing their costs that they pay out every year in repairs to their vehicles far overshadows the size of this investment in improving the roads to minimize that. I'll leave you with a last thought. I agree wholeheartedly that this is very important to create Maine jobs that we need badly right now. I urge everyone to support this bond. Thank you.

THE PRESIDENT: The pending question before the Senate is the Adoption of Committee Amendment "A" (S-568) as Amended by Senate Amendment "A" (S-590) thereto. 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 (#499)

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

NAYS: Senators: MASON, THOMAS

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, Committee Amendment "A" (S-568) as Amended by Senate Amendment "A" (S-590) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-568) AS AMENDED BY SENATE AMENDMENT "A" (S-590)** thereto.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/15/12) Assigned matter:

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-576)** (10 members)

Minority - **Ought Not to Pass** (3 members)

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

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

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

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

READ ONCE.

Committee Amendment "A" (S-576) **READ**.

On motion by Senator **MARTIN** of Kennebec, Senate Amendment "A" (S-591) to Committee Amendment "A" (S-576) **READ**.

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

Senator **MARTIN**: Thank you Mr. President. Ladies and gentlemen of the Senate, what this act does is encourage the Department of Conservation and the Inland Fisheries and Wildlife Department to take a proactive approach to pursuing land conservation projects that significantly impact wildlife habitat conservation, including conservation of wintering areas. This act also encourages the Department of Conservation to use protocol provided by the Department of Inland Fisheries and Wildlife in its efforts to regulate this land which contains wildlife and fish habitat. It also goes on to explain what our deer wintering areas are. As you know, we've had a big push this year to shore up our deer wintering areas, our deer habitat, which is a huge economic mainstream for our economy. With that, thank you.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, I rise in support of the L.D. as it will be amended. This bond, Mr. President, is quite simply an investment in the cornerstone of Maine's economy and our quality of life; the land. Conserving Maine's land and natural resources is an investment in today's jobs and tomorrow's prosperity for our children and our grandchildren. Our natural areas are what set Maine apart. They are our biggest competitive advantage. Preserving and conserving them has got to be a top priority as we develop and grow. This is a value shared by families and businesses across the state. LMF has a strong history of success at the polls and has been critical to the success of Maine's agriculture, forest products, fishing, and tourism recreation industries. We've helped conserve more than one-quarter of a million acres of working, commercial timberland which supports sustainable forest management and public access for hunting, hiking, fishing, and snowmobiling. LMF has also helped conserve Maine's working waterfronts and access to coastal sites, which means that our clambers and our wormers have access to mudflats and commercial fishermen have access to the coast for lobsters and

shellfish. While much has been accomplished, in many ways the need for LMF couldn't be more important than it is today. We continue to see forest and farmlands being carved up and sold and fishermen continue to struggle to maintain access to our coasts and our snowmobilers continue to struggle to get access to our trails. One way we can grow Maine's economy and create more natural resource-based jobs is to invest in conserving our lands; farmland, timberland, and our coastal land. I'm glad to have had the opportunity to take over sponsorship of this bill from my friend and our friend and former colleague Senator Trahan. Senator Trahan spoke better than I to the need, in particular, for maintaining and restoring our deer habitat when he said, "Investment in deer wintering areas today can help restore healthy deer numbers and also benefit countless other wildlife species in the northern half of Maine." Lands for Maine's Future guarantees that our outdoor heritage, the very thing that defines our state and makes it special, will be conserved and handed on to future generations. I'd only point out that this is a small, modest bond issue proposal. It is \$5 million. In the past Maine voters have approved LMF bonds for as much as \$50 million. This is only about 5% of the total bond package here and I'm proud to support it and urge all of my colleagues to vote yes on this motion. Thank you.

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise, too, to support this bill. Let me make a few points of clarification some of you have probably heard me make publically already. First of all, this bond is not about preservation, it's about conservation. There is a big difference there. We're not preserving land. We're conserving it. This means, in my old days as a forester, it is multiple use. People hunting, fishing, lumbering, farming, snowmobiling, and so forth. Second, it's like an "open for use" sign. There's a sign out basically that says this land is, in fact, open and to be used by the public and those particular interests that I've already described. Over time they have learned that buying conservation easements goes a lot further than buying and outright purchasing land. We can have more acres that are available for these multiple uses that I've described. Many of the lands stay on the active tax rolls. We have a working forest and we maintain a working farm, instead of houses. Lastly, my biggest concern, as some of you may have recently seen this in the press, there was another gate that went across a piece of land that says you can't go there any more. You can't go to your camp. You can't use an ATV. You can't use a snowmobile. You can't hunt. Basically, the "no trespassing" sign went up. This small bond insures that that land will be open and open for future generations to use. That is why I support this particular bond and the way it's proposed. Thank you very much.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I believe I owe you an explanation. Why would a person offer an amendment to a bond issue and then vote against it? I wanted to vote for that in the worst way. There were a lot of good projects for my district in that Transportation Bond. I believe that we need to spend more

money on our transportation system. Politically, it would have been the exact right thing for me to do. I couldn't do it and here's why.

THE PRESIDENT: The Chair would interrupt the Senator with the request that when we finish action on this bond, if you request to be recognized, I will recognize you and you can speak to it. We are currently on the LMF bond. I would ask you to just suspend your remarks until we finish.

Senator **THOMAS:** Is it germane for me to speak to all bonds in general? Not just the LMF bond and while I'll be voting against it as well?

THE PRESIDENT: If you would care to confine your comments to the LMF bond here.

Senator **THOMAS:** Not bonds in general? I'll wait then.

THE PRESIDENT: I will call on you when we finish this measure. The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. I rise in support of the Land for Maine's Future Bond. I'd like to note that certainly the issue of conservation is an important one. I agree. I also think, however, that this is actually in support of economic development. I'll tell you why, in my own district, that is true. In my district a lot of people still make their living on the ocean. They need somewhere to moor their boats. They need somewhere to bring in their harvest. They need the waterfront that is working for Maine people preserved. That is part of what this bond does. It does go a long way because it's not purchasing that land, it's purchasing easements to insure that land doesn't become a condo under the property tax pressures and property valuation pressures of the waterfront that fishermen rely on to make their living. It's also important because, with some of that land which is conserved, for every dollar spent in doing so, it brings in \$11 in the economy with tourism and the uses of that land that it brings with it in preserving that important character, that part of the land of Maine that people want to come and see, and people living here want to take advantage of. It also means farmland. To me that's an important thing; to have local foods. We have a growing interest in nutritious foods. We actually have a growing number of young people taking on farming, not as large farms as we used to have in this state. My own property where my house sits is now wooded and used to be sheep pasture. I still know that it is part of how people in my district, and elsewhere in this state, earn their living and it is of increasing importance to the quality of our food supply that we have land that isn't gobbled up for housing or roads or other uses, but remains farmland. I rise in support of the Land for Maine's Future Bond because it supports our economy in all of those ways that are important to Maine people. Thank you.

THE PRESIDENT: The Chair would remind Senators that we currently still on the adoption of the amendment, Senate Amendment "A" (S-591) to Committee Amendment "A" (S-576). The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would like to get up and say that, while

I support this bond package, it strikes me as ironic. If we didn't have all these people coming into Maine and cutting our wood and sending it back to Canada, then we wouldn't need to be conserving all this land. I'm not going to get up and say that.

On motion by Senator **MARTIN** of Kennebec, Senate Amendment "A" (S-591) to Committee Amendment "A" (S-576) **ADOPTED**.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I'd like to actually commend the good Senator from Aroostook. At least he's talking about what he knows about.

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

THE PRESIDENT: The pending question before the Senate is Adoption of Committee Amendment "A" (S-576) as Amended by Senate Amendment "A" (S-591) thereto. 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 (#500)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MCCORMICK, PATRICK, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SNOWE-MELLO, SULLIVAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: HASTINGS, MASON, PLOWMAN, SHERMAN, THIBODEAU, THOMAS

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, Committee Amendment "A" (S-576) as Amended by Senate Amendment "A" (S-591) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-576) AS AMENDED BY SENATE AMENDMENT "A" (S-591)** thereto.

Ordered sent down forthwith for concurrence.

Senator **THOMAS** of Somerset was granted unanimous consent to address the Senate on the Record.

Senator **THOMAS:** Thank you Mr. President. Finally, ladies and gentlemen of the Senate, let me explain. There probably never

has been a bond issue that's been before either Body I wanted to vote for more than the Transportation Bond. It was a General Fund Bond issue and I appreciate that. It was a bond issue that would do a lot of good for my district. What I'm going to talk about is why I can't vote for any of the bond issues. I wish I had been allowed to speak before we voted on the last one, because I think I would have given some good reasons why we shouldn't be bonding at all. Before we passed the budget yesterday the State of Maine owed the hospitals of this state \$460 million. Every hospital stayed open, even though they were carrying this huge debt on the books. They kept the bills paid. They covered the paychecks for their employees by shifting those unpaid bills onto paying customers, onto the rest of us, driving up the costs of getting sick, or getting injured, for every person in Maine. Driving up the cost of health insurance to the point that many Mainers simply can't afford it. Driving up the cost of Workers' Comp Insurance because of those higher bills. We've been down this road before, demanding hospitals provide services that we know full well we don't have the money to pay for. There have been times in the state of Maine where children have started school before the hospital was paid for delivering that child. We found \$25 million yesterday in the budget to pay those bills. The federal government will match \$2 for every \$1 we pay, reducing the \$460 million by \$75 million. Think about it for a minute. Every time we don't pay the hospitals \$1 we shift \$3 worth of costs onto the people of Maine. We add \$3 onto that bill for every dollar that we don't pay, on top of a bill that is too big to start with. I can't vote to take on more debt when we can't pay the debt we have now, even if it's for projects that will help me get reelected. I've been told not to worry, that we have a plan and this is going to be taken care of. I'm sorry, I can't make those numbers add up. I need to be sure that we're going to be able to pay the bills going forward and this uncertainty for healthcare providers needs to stop before we can take on expenses that we should be avoiding. Those people need to know they are going to be paid in a timely fashion for the work they do. We didn't do a bond issue last year and the sky didn't fall. That's why what I did seems so wrong. I wanted to make sure we got it right, even though I knew I was going to vote against it. Even as badly as I'd like to see some of these projects go forward, with all the money to do it, I don't feel that we should be doing it now. I'll vote against every bond issue that comes up until we get this mess straightened out.

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

Senator **DILL:** Thank you Mr. President. Since we are talking about bonds in general and just sort of expressing ourselves about the wisdom of bonding, I would like to state, on the record, that it was completely reckless for the State of Maine not to bond last year, at a time when unemployment was excessive, interest rates were low, and the need for infrastructure projects was critical. This Legislature decided not to bond, unlike numerous other states and in opposition to the recommendations of every sound economist that ever wrote about bonding and infrastructure. I would just like the record to reflect that it was reckless that we didn't bond last year and the bond package this year is too low. Second, I'd like to comment on the record that Maine's debt is, in fact, not irresponsible. We have a high bond rating. We pay off bonds in 10 years instead of 20. We are

recognized as being fiscally sound by numerous associations and organizations and think tanks that study these things. On ranks of debt, Maine fares quite well. I'd also like to comment on the medical debt. Why do the hospitals have so much money owed to them? Maybe in part it's because of the incredible large amounts of charity care. Instead of addressing that with expanding access to healthcare, we just passed a budget that threw people off healthcare and are suing the United States government against the Affordable Care Act.

THE PRESIDENT: The Senator would be reminded to please keep your comments focused on the issue of bonds.

Senator **DILL:** Okay, thanks. Getting back to bonding and why it's such a good idea, I think bonding is good because it provides infrastructure for the institutions that help communities like schools. It helps businesses get their wares to and from their customers and their markets. It invites new business and opportunities for the people of Maine. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. I just want to briefly say there was a comment made specifically about helping elections, which is always disturbing a little bit to me. I'm not running for reelection and I don't think that anybody should vote for anything that either is a vote because they want to try to get votes or not. This is not what this is about. This is about making sure we have a healthy state. What also disturbs me greatly is the hypocrisy of saying that we believe in local control and then we refuse to make sure, by voting no, and denying the people the ability to vote. I think that's wrong because I've heard so frequently about local control and that we ought to give local control. That drum has been beaten time and again. This is most about local control because we do not ultimately decide this here. All we decide is if this goes out to the people. I think that the people deserve the opportunity to vote. I just don't think that the concept, obviously, is quite understood about how this works. I think that that is important to say for the record. Thank you very much, Mr. President.

The Chair laid before the Senate the following Tabled and Later (5/15/12) Assigned matter:

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-574)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-575)** (6 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-574)** Report

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

On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-574)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-574) **READ**.

On motion by Senator **PLOWMAN** of Penobscot, 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 (#501)

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

NAYS: Senator: THOMAS

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, Committee Amendment "A" (S-574) **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-574)**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Resolve, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings

S.P. 574 L.D. 1675
(S "A" S-442 to C "A" S-412)

Tabled - March 21, 2012, by Senator **RAYE** of Washington

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 15, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-412) AS AMENDED BY SENATE AMENDMENT "A" (S-442), THERETO, in NON-CONCURRENCE.**)

(In House, March 20, 2012, **FINALLY PASSED.**)

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

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Bill "An Act To Establish a Separate State Council for Juveniles under the Interstate Compact for Juveniles"

S.P. 604 L.D. 1756
(C "A" S-446)

Tabled - March 21, 2012, by Senator **COURTNEY** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, March 19, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-446).**)

(In House, March 20, 2012, **PASSED TO BE ENACTED.**)

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

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency Measure

Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children

H.P. 1257 L.D. 1705
(C "A" H-796)

Tabled - March 26, 2012, by Senator **PLOWMAN** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 22, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796), in concurrence.**)

(In House, March 23, 2012, **FINALLY PASSED.**)

Senate at Ease.

Senate called to order by the President.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796)**, in concurrence.

On motion by same Senator, Senate Amendment "A" (S-571) **READ.**

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, this amendment simply follows our Legislative Rules and requires that legislative members of the task force receive per diem and expenses.

On motion by Senator **COURTNEY** of York, Senate Amendment "A" (S-571) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED COMMITTEE AMENDMENT "A" (H-796) AND SENATE AMENDMENT "A" (S-571), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Resolve, Directing the Committee on Veterans and Legal Affairs To Develop Legislation Establishing a Presidential Primary

S.P. 659 L.D. 1882
(C "A" S-517)

Tabled - April 9, 2012, by Senator **PLOWMAN** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 5, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-517).**)

(In House, April 9, 2012, **FINALLY PASSED.**)

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

The Chair removed from the **SPECIAL STUDY TABLE** the following:

An Act Regarding the Issuance of Licenses by the Gambling Control Board and To Establish a Competitive Bidding Process for Future Operation of Slot Machines and Table Games in the State

H.P. 1400 L.D. 1897
(H "B" H-942; S "A" S-562
to C "A" H-919)

Tabled - April 13, 2012, by Senator **PLOWMAN** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 13, 2012 **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-919) AS AMENDED BY HOUSE AMENDMENT "B" (H-942) AND SENATE AMENDMENT "A" (S-562)**, thereto, in **NON-CONCURRENCE**.)

(In House, April 13, 2012, **PASSED TO BE ENACTED**.)

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

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

RECESSED until 7:00 in the evening.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Repeal the Bonding Authority of the Maine Governmental Facilities Authority"
H.P. 603 L.D. 807

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-958)**.

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 Not To Pass**.

Signed:

Senator:

HILL of York

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-958)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-958) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future and Training Facilities in Labor Market Areas with Higher than Average Unemployment for Tourism-related Training"
H.P. 625 L.D. 829

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" (H-959)**.

Signed:

Senator:

HILL of York

Representatives:

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

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue To Weatherize and Upgrade the Energy Efficiency of Maine Homes and Businesses and To Provide for a Trained Workforce for Maine's Energy Future"
H.P. 679 L.D. 919

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" (H-960)**.

Signed:

Senator:

HILL of York

Representatives:

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

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

Reports **READ**.

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

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

ENACTORS

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

Emergency Measure

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

H.P. 1383 L.D. 1868
(S "B" S-566, S "D" S-585;
S "E" S-586 to C "A" H-928)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue for Wastewater and Drinking Water Revolving Loan Funds" H.P. 285 L.D. 359

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-957)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-957)**.

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

READ ONCE.

Committee Amendment "A" (H-957) **READ**.

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

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

Senator **ROSEN:** Thank you Mr. President. I'm never one to miss an opportunity to rise for a moment here. I just want to remind the members of the Senate Chamber that this is a \$7,925,000 General Obligation Bond proposal for clean water and clean rivers; \$3,590,000 bond for drinking water systems and a \$4.3 million borrowing component for clean water. These amounts are precise because these are the calculated amounts to draw down the maximum allowable 80% matching monies. These are the monies that are available for your local community clean water and water treatment systems. I would urge your support of this General Obligation Bond.

THE PRESIDENT: The pending question before the Senate is Adoption of Committee Amendment "A" (H-957), in concurrence.. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#502)

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

NAYS: Senators: MASON, THOMAS

ABSENT: Senator: PLOWMAN

32 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 1 Senator being absent, Committee Amendment "A" (H-957) **ADOPTED**, in concurrence.

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

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.

ORDERS OF THE DAY

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

Resolve

An Act To Increase the Amount Tagging Agents Receive for Tagging Game

H.P. 467 L.D. 637
(C "B" H-683)

Tabled - February 2, 2012, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, January 26, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-683)**, in concurrence.)

(In House, January 31, 2012, **FINALLY PASSED**.)

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

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

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

Emergency Resolve

Resolve, To Support the Development of a Model Charter for the St. John Valley Regional Planning Commission

H.P. 578 L.D. 771
(CC "A" H-948)

Tabled - April 13, 2012, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 12, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE CONFERENCE AMENDMENT "A" (H-948)**, in concurrence.)

(In House, April 13, 2012, **FINALLY PASSED**.)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, this Resolve was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

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

An Act To Strengthen Maine's Economy through Improvements to the Educational Opportunity Tax Credit

H.P. 632 L.D. 835
(H "A" H-814; H "B" H-844
to C "B" H-703)

Tabled - March 30, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 28, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-703) AS AMENDED BY HOUSE AMENDMENTS "A" (H-814) AND "B" (H-844)** thereto, in concurrence.)

(In House, March 29, 2012, **PASSED TO BE ENACTED**.)

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

Senate at Ease.

Senate called to order by the President.

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

Emergency Resolve

Resolve, To Authorize the Legislature To Contract for an Independent Review To Evaluate the Essential Programs and Services Funding Act

H.P. 702 L.D. 958
(C "B" H-920)

Tabled - April 10, 2012, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 9, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-920)**, in concurrence.)

(In House, April 10, 2012, **FINALLY PASSED**.)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act To Restore the Deer Herd in Certain Wildlife Management Districts in Maine

H.P. 933 L.D. 1242
(C "A" H-829)

Tabled - March 30, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 28, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-829)**, in concurrence.)

(In House, March 29, 2012, **PASSED TO BE ENACTED.**)

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

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

An Act To Prepare Maine People for the Future Economy
S.P. 439 L.D. 1422
(S "C" S-529 to C "A" S-477)

Tabled - April 10, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-477) AS AMENDED BY SENATE AMENDMENT "C" (S-529)** thereto, in **NON-CONCURRENCE.**)

(In House, April 10, 2012, **PASSED TO BE ENACTED.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#503)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COURTNEY, CRAVEN, DIAMOND, DILL, GERZOFKY, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, PATRICK, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SNOWE-MELLO, SULLIVAN, THIBODEAU, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: COLLINS, FARNHAM, GOODALL, MCCORMICK, SHERMAN, THOMAS, WHITTEMORE

ABSENT: Senator: PLOWMAN

27 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations

H.P. 1078 L.D. 1469
(C "A" H-887)

Tabled - April 11, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 9, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-887)**, in concurrence.)

(In House, April 11, 2012, **PASSED TO BE ENACTED.**)

On motion by Senator **HASTINGS** of Oxford, 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 (#504)

YEAS: Senators: BRANNIGAN, COURTNEY, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, JACKSON, JOHNSON, KATZ, MARTIN, MCCORMICK, PATRICK, SAVIELLO, SCHNEIDER, SHERMAN, SULLIVAN, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, COLLINS, FARNHAM, HASTINGS, HILL, LANGLEY, MASON, RECTOR, ROSEN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY

ABSENT: Senators: HOBBS, PLOWMAN

18 Senators having voted in the affirmative and 15 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.

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

An Act To Amend the Sex Offender Registration Laws
H.P. 1117 L.D. 1514
(C "A" H-873)

Tabled - April 4, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 3, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-873)**, in concurrence.)

(In House, April 4, 2012, **PASSED TO BE ENACTED**.)

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

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

Emergency Measure

An Act To Amend the Law Regarding the Sale of Wood Pellets and Wood

H.P. 1219 L.D. 1610
(CC "B" H-937)

Tabled - April 12, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 11, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE CONFERENCE AMENDMENT "B" (H-937)**.)

(In House, April 12, 2012, **PASSED TO BE ENACTED**.)

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.

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

An Act To Limit Payment for Care and Treatment of Residents of State Institutions

S.P. 538 L.D. 1628
(C "A" S-468)

Tabled - March 29, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 26, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468)**.)

(In House, March 28, 2012, **PASSED TO BE ENACTED**.)

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

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

An Act To Make Fisheries and Wildlife and Marine Resources Projects Eligible for Tax Increment Financing

S.P. 552 L.D. 1653
(C "A" S-453)

Tabled - March 26, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 21, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-453)**.)

(In House, March 23, 2012, **PASSED TO BE ENACTED**.)

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

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

Emergency Measure

An Act To Create a Sales Tax Exemption for the Sale and Delivery of Off-peak Electricity for Electric Thermal Storage Devices

S.P. 554 L.D. 1655
(C "A" S-383)

Tabled - March 6, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, February 23, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-383).**)

(In House, March 1, 2012, **PASSED TO BE ENACTED.**)

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.

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

An Act To Clarify Authorization for a Court Facilities Bond
S.P. 566 L.D. 1667
(C "A" S-417)

Tabled - March 13, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 8, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417).**)

(In House, March 12, 2012, **PASSED TO BE ENACTED.**)

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

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

An Act To Conform Maine Law to Federal Law Regarding Payment of Overtime to Truck Drivers and Driver's Helpers
H.P. 1237 L.D. 1685
(H "A" H-744 to C "A" H-732)

Tabled - March 13, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 8, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-732) AS AMENDED BY HOUSE AMENDMENT "A" (H-744)** thereto, in concurrence.)

(In House, March 12, 2012, **PASSED TO BE ENACTED.**)

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

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

An Act Regarding the Interstate Compact for Adult Offender Supervision

S.P. 603 L.D. 1755
(C "A" S-513)

Tabled - April 5, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 3, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-513).**)

(In House, April 5, 2012, **PASSED TO BE ENACTED.**)

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

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

An Act To Apply the Sales Tax on Camper Trailers and Motor Homes Purchased for Rental in the Same Manner as on Automobiles Purchased for Rental

H.P. 1333 L.D. 1809
(C "A" H-795)

Tabled - March 26, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 22, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-795)**, in concurrence.)

(In House, March 23, 2012, **PASSED TO BE ENACTED.**)

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

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

An Act To Revise the Income Tax Return Checkoffs
H.P. 1347 L.D. 1826
(C "A" H-880)

Tabled - April 5, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-880)**, in concurrence.)

(In House, April 5, 2012, **PASSED TO BE ENACTED.**)

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

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

An Act To Define Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf

S.P. 637 L.D. 1839
(C "A" S-497)

Tabled - April 2, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 29, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497).**)

(In House, April 2, 2012, **PASSED TO BE ENACTED.**)

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

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

Resolve

Resolve, Creating an Honorable Service Plaque To Honor Maine Veterans

H.P. 1385 L.D. 1871
(C "A" H-853)

Tabled - April 3, 2012, by Senator **ROSEN** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 2, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)**, in concurrence.)

(In House, April 3, 2012, **FINALLY PASSED.**)

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

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

An Act To Amend the Laws Pertaining to the Maine Economic Improvement Fund

H.P. 1393 L.D. 1885
(S "A" S-548 to C "A" H-893)

Tabled - April 12, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 11, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893) AS AMENDED BY SENATE AMENDMENT "A" (S-548)** thereto, in **NON-CONCURRENCE.**)

(In House, April 12, 2012, **PASSED TO BE ENACTED.**)

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

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

An Act To Create the Leased Space Reserve Fund and To Amend the Law Regarding the Issuance of Securities under the Maine Governmental Facilities Authority and To Provide for the Transfer of Certain Land

S.P. 678 L.D. 1904
(C "A" S-527)

Tabled - April 11, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 9, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-527).**)

(In House, April 11, 2012, **PASSED TO BE ENACTED.**)

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

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

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

An Act To Provide Funding for the Fish Stocking Program
S.P. 64 L.D. 213
(C "B" S-372)

Tabled - February 7, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, January 24, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-372).**)

(In House, February 2, 2012, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-372).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "B" (S-372).

On further motion by same Senator, Senate Amendment "A" (S-592) to Committee Amendment "B" (S-372) **READ** and **ADOPTED.**

Committee Amendment "B" (S-372) as Amended by Senate Amendment "A" (S-592) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-372) AS AMENDED BY SENATE AMENDMENT "A" (S-592) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Provide a Sales Tax Exemption to Commercial Horticulturists

H.P. 187 L.D. 234
(C "B" H-687)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, February 9, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-687)**, in concurrence.)

(In House, February 14, 2012, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-687)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "B" (H-687), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-593) to Committee Amendment "B" (H-687) **READ.**

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

Senator **ROSEN:** Thank you Mr. President. Men and women of the Senate, the Committee Amendment that was just offered replaces the content of the original bill. This bill was actually included in the budget that was passed yesterday. The replacement amendment creates a definition in the sales tax law of nexus affiliation, in other words internet affiliate nexus. The amendment that is offered up here creates a definition in law. This relates to the collection of on-line sales tax for sales to on-line sellers and the definition and creation of nexus in Maine for the purposes of collecting sales tax. That is the amendment that is being offered.

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

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, I would just like to rise briefly and say that for a long time I worked on the streamline sales and use tax issue. I was a member of an Executive task force and sat in a lot of meetings and brought a bill forth early in the session that passed out of the committee unanimously only to come to this Body and be defeated. This was a little bit of a disappointment and a little bit of a set back, I think, for Maine because we could have really gone a long way to collecting sales tax that is owed but not collected. While I'm certainly grateful that we are taking the step by identifying affiliate nexus, I do have some concerns. Those concerns have to do with the consequence of this action in other states. Other states that have chosen to go on the path of affiliate nexus, versus joining the state compact for streamline sales and use tax, have been exposed to litigation in some instances and also Amazon, the main player in all this, has severed ties with some of its local businesses. While this may be a good idea, it's,

in my view, not as good an idea as joining the streamline sales and use tax state compact. Thank you, Mr. President.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **WOODBURY:** Thank you Mr. President. This is obviously coming to us fairly late in the process. I'm just trying to figure this out. This appears to require companies that are selling goods in Maine over the internet to collect sales taxes that they may not be collecting now. My question is why the fiscal note doesn't seem to reflect that?

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

Senator **ROSEN:** Thank you Mr. President. The fiscal note does not reflect what has been anticipated as savings. I can give you some information on that. First of all, in terms of what the estimates are that are out there, the most recent estimates from outside of Maine Revenue Services would be a recent report that was generated by Dr. Gabe, a professor at the University of Maine at Orono, who produced a report this Spring that was commissioned by the Maine Merchant's Association and the Maine State Chamber. The estimate of missed opportunity or uncollected sales tax from these internet on-line sales is estimated to be in the \$23 million range. Maine Revenue Services, at this point, their posture is the big guys like Amazon who would terminate affiliation agreements. I may need to back up and define what those are. They would sever affiliation agreements, therefore preventing the opportunity to collect that tax. This reflects a very conservative view of Maine Revenue Services, that that may be the resulting action. You have on the one hand a 2012 in-state study that estimates around \$23 million or \$25 million. You have the posture of Maine Revenue Services taking a very cautious view that affiliation agreements would be terminated that would result in a termination and no collection. As far as the states that have adopted this currently, eighteen other states have acted on this. By the way, this does not have anything to do with the streamlining initiative. This is a separate definition. Thirteen states have enacted this provision since 2008. New York in 2008; Rhode Island and North Carolina in 2009; Colorado and Oklahoma in 2010; Arkansas, California, Connecticut, Illinois, South Carolina, South Dakota, Texas, and Vermont considering it; and Virginia and Georgia currently considering it.

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

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this may be a great and wonderful idea, but to come to us at the last minute like this, without going through the committee and the proper procedures that we follow and for us to say yea or nay on an important policy like this at this time of day with so little discussion and so little process, I'm going to vote against it and I would hope everyone would.

Senator **BARTLETT** of Cumberland inquired if Senate Amendment "A" (S-593) to Committee Amendment "B" (H-687) was **GERMANE**.

THE CHAIR MADE THE FOLLOWING RULING:

"The Chair would advise in response to the request for a ruling that the amendment changes the title of the L.D."

The Chair **RULED SENATE AMENDMENT "A" (S-593) TO COMMITTEE AMENDMENT "B" (H-687) GERMANE**.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have concerns about this amendment, only because it hasn't gone through the process of a committee public hearing and work session before the committee of jurisdiction, the Taxation Committee. Coming to us at this late hour, realizing the complexities involved in this and the major changes it is going to make in Maine tax law, my concerns are so many that I probably will not be voting for this. I urge the others in the Body to do the same thing.

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

Senator **SCHNEIDER:** Thank you Mr. President. I just find it a little bit ironic that now people are concerned about process when we had a number of bills, like the transportation bill just recently. I didn't get up and talk about that, but that never had a public hearing. That was \$6 million. I just find it a little bit odd that now there is a problem with process. Thank you, Mr. President.

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

Senator **SULLIVAN:** Thank you Mr. President. May I pose a question?

THE PRESIDENT: The Senator may pose her question.

Senator **SULLIVAN:** Thank you Mr. President. With the amendment that has been ordered, would this effect companies like L.L. Bean and some of the others? I'm looking at the board and it's commercial. It names one small group. Then I'm hearing some of the other members talking about a whole conglomerate of things. Would L.L. Bean and other companies be included in that?

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

Senator **ROSEN:** Thank you Mr. President. The answer is no, it would not effect L.L. Bean. L.L. Bean already meets the definition of having nexus in Maine. The traditional definition of nexus in Maine is that you have a physical presence. Bean already has the bricks and mortar physical presence in Maine. This would not affect Bean. Bean is already required to collect. As a matter of fact, I know through conversations with L.L. Bean that it is now their policy to collect and to remit in all jurisdictions nationally where they have a physical presence.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, that prompts a question from me. Those Canadian businesses that don't have a presence in Maine, can they get the sales tax exemption?

THE PRESIDENT: The Senator from Aroostook, Senator Jackson poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you Mr. President. I'm not rising to answer that question. Mr. President, so is it safe to say than, for the common lay-person here, that this is an internet sales tax bill? Is that what we're talking about? Every business that does not have a point of place here, regardless of what they do or sell, whether it be Amazon.com or Leslie's Pool Company or things like that, would need to collect sales tax. Is that what I'm hearing?

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

Senator **ROSEN:** Thank you Mr. President. I'm happy to respond to the question. Currently, if a business or an entity is selling goods and services on the internet, and they have a physical presence in the state, they are required to collect and remit Maine State sales tax. If they do not have a physical presence in the state, they are not required to collect and remit. A new model has developed with on-line sales where on-line sellers negotiate what are called affiliation agreements with in-state entities. For instance, you can have a Maine based business and you go to that Maine based business website, Nancy's Yarn Shop let's say. You go to Nancy's Yarn Shop because you like the information on the website. You know Nancy. You like the kind of advice and you like the products. Along the sides of her website there will be links. If you click those links, many times they will take you to an out-of-state on-line seller. Nancy has negotiated an affiliation agreement with that out-of-state seller. If you go to Nancy's website and you click that link and you go to that out-of-state seller and you make a purchase, Nancy gets a commission. Under current law there is no nexus because that out-of-state seller doesn't have a physical

location in Maine. That entity is not required, under current law, to collect and to remit. What this proposal says, and this is the one that's going through several other states, we are adding to our definition in our tax code an additional definition for affiliation agreement. That's essentially what this amendment is. It's the definition. If you have an affiliation agreement then it would say that you have now established nexus in Maine, which means you would be responsible to collect and remit sales tax based on those purchases. To directly respond to the question, it is not a blanket or universal application to any and all on-line sellers. It would be only those that fit the definition of having a contractual affiliation agreement with a Maine-based entity.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, what scares me about this proposal is if you maintain a website for your business, like I do because I have a website for my firewood business, let's suppose for a second that I found some fireplace tools or some woodstove tools that I thought were great, that you can't get anywhere else. Those would be subject to sales tax if I sold them. If I just put a link on my website, you could go to my website and click and go and purchase those tools. Who is responsible for the sales tax if that seller doesn't collect it? I'm scared to death that I could end up owing a whole bunch of sales tax. There would be times when I just wouldn't be able to do that. Who's responsible? The person in Maine, I'm afraid, would end up owing all kinds of money at times. I think that we need to think this through very carefully before we go plowing into this.

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

Senator **BRANNIGAN:** Thank you Mr. President. The people in Maine would owe that. The fact is that if we pass this we are helping people in Maine sin no more because right now they are sinning by not paying their taxes. They owe. In the case of Nancy, it goes to Nancy's shop. She goes around and you have to pay it while you're selling your knitting. Let's be clear that taxes are always owed. We just haven't been collecting it and a lot of people are cheating. Of course they don't know about it. They never know about it. It's on their income tax. They have a little place there. Yes, we would collect the tax, but this makes it so that people in Maine will not be outlaws. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen to Adopt Senate Amendment "A" (S-593) to Committee Amendment "B" (H-687). 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 (#505)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, GOODALL, HILL, HOBBS, JOHNSON, KATZ, MARTIN, PATRICK, PLOWMAN, RECTOR, ROSEN, SCHNEIDER, SHERMAN, SULLIVAN, THIBODEAU, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: COLLINS, HASTINGS, JACKSON, LANGLEY, MASON, MCCORMICK, SAVIELLO, SNOWE-MELLO, THOMAS

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ADOPT** Senate Amendment "A" (S-593) to Committee Amendment "B" (H-687), **PREVAILED**.

Committee Amendment "B" (H-687) as Amended by Senate Amendment "A" (S-593) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-687) AS AMENDED BY SENATE AMENDMENT "A" (S-593) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Reduce Deer Predation

H.P. 298 L.D. 372
(C "C" H-769)

Tabled - March 20, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 15, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-769)**, in concurrence.)

(In House, March 19, 2012, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-769)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "C" (H-769), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-609) to Committee Amendment "C" (H-769) **READ** and **ADOPTED**.

Committee Amendment "C" (H-769) as Amended by Senate Amendment "A" (S-609) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-769) AS AMENDED BY SENATE AMENDMENT "A" (S-609) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Expand the Capacity of York County Community College

H.P. 457 L.D. 627
(C "A" H-699)

Tabled - February 29, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, February 23, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699)**, in concurrence.)

(In House, February 28, 2012, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-699), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-594) to Committee Amendment "A" (H-699) **READ**.

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

Senator **ROSEN:** Thank you Mr. President. This is a bill that deals with the expansion of a machine tool program at the York County Community College. In the original bill there was a

provision, an up-front level of funding to begin the acquisition of equipment. That portion of the bill was actually included in the higher education bond that is moving back and forth. In addition, what remains in the bill, and what the amendment accomplishes, is a level of funding of \$257,000 to establish the integrated manufacturing program fund in the Maine Community College System. This is a program particularly targeted to the York County Community College for the need in that region that was reflected in the committee hearing for a trained workforce.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, it seemed like there was some real interest in this, but there was an issue that was discussed about concerns on the committee about the money being used for regular operating expenses and the baseline and how that works. That piece of it should come back. I just like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **SCHNEIDER:** Thank you Mr. President. Can somebody explain the issues that were brought up during the Appropriations Committee meeting on this particular bill and the concerns that were discussed about why some people were hesitating in supporting it and they didn't get a unanimous report.

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

Senator **ROSEN:** Thank you Mr. President. There was a discussion in the committee that pertained to the baseline question which came up. This would be a go-forward increase in the baseline for the funding level for the Community College System. There was extensive discussion regarding the average age of the workforce in this particular region of the state that are retiring out in the thousands. Very well paid, full time, year round jobs of a high skill level. The major employers in the region that had expressed the concern that they will be facing an aging out of their current workforce and the need to have highly trained individuals to begin to be ready to step in and fill those existing positions. This is an effort to begin both the component that is in the higher education bond and this level of funding to start that effort as soon as possible.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, this goes along with the Chief Executive's initiative to try to retrain people for jobs that are badly needed here. You need to know that Pratt Whitney, a large taxpayer, has already agreed to \$100,000 to some of the machines because they can't afford to take them out of their factories and assembly lines and put them for people to work on and learn. They will actually buy the machine, at least one machine, and actually give it and work on it so these workers coming in, that may have worked in the mills in Sanford and Biddeford, certainly even Waterville or

Skowhegan or any of them, Lewiston, can go and be trained on top notch, technical machines that will allow them to go out, trained and ready, to jobs that are going to pay well over \$20 an hour. That's what we're talking about. This is the retraining of the force. It is not only for some of the older people, I don't want to say elderly that have retired, that have retired out but also the younger people looking, younger being middle aged, and being able to go back to college, the community college, and be trained in what they need to be trained in so that, in deed, when these companies want to move their businesses into Maine the people are trained and ready to go. I think it's a great investment. We certainly have the space. In Southern Maine it is extremely important, whatever we do in Southern Maine, because it filters right back into our coffers here in the general section. I would ask you to consider this very carefully and realize that a company, here in Maine, has so much wanted this and that \$100,000 has already been given. That's how badly they want to stay here and have trained workers. Thank you.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, recently I attended a presentation by folks at United Technologies, Pratt Whitney, in North Berwick concerning the development of the new F35 jet engine. One of the concerns they demonstrated to the audience that was attending that particular day was the lack of trained workers to work on this very precise, close tolerances, metal machining industry. This is one of the movements behind this proposal, to get young people trained so they can go into these very high paying jobs in York County. In addition the other major employer, the Kittery-Portsmouth Naval Shipyard, you'll notice I always say Kittery first, is also in need of these types of individuals who will be trained in the metal cutting industries. Here again, those jobs are good paying jobs. In this particular instance, we want to be proactive and having a workforce that is ready, willing, and able to perform these very close tolerances. The work that is required of these individuals necessitates them to be very well trained. I would urge you to support this proposal.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-594) to Committee Amendment "A" (H-699) **ADOPTED.**

Committee Amendment "A" (H-699) as Amended by Senate Amendment "A" (S-594) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#506)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699) AS AMENDED BY SENATE AMENDMENT "A" (S-594)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Emergency Measure

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

H.P. 572 L.D. 765
(C "B" H-737)

Tabled - March 14, 2012, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, March 12, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-737)**, in concurrence.)

(In House, March 13, 2012, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-737)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "B" (H-737), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-595) to Committee Amendment "B" (H-737) **READ**.

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

Senator **ROSEN:** Thank you Mr. President. This amendment is important clarifying language that relates to individuals that are taking advantage of the services of those in the rehabilitation program for the blind and visually impaired.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-595) to Committee Amendment "B" (H-737) **ADOPTED**.

Committee Amendment "B" (H-737) as Amended by Senate Amendment "A" (S-595) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-737) AS AMENDED BY SENATE AMENDMENT "A" (S-595) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act Regarding the Distribution and Sale of Spirits
H.P. 664 L.D. 905
(C "A" H-915)

Tabled - April 10, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 9, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-915)**, in concurrence.)

(In House, April 10, 2012, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-915)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-915), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-597) to Committee Amendment "A" (H-915) **READ**.

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

Senator **ROSEN:** Thank you Mr. President. The purpose of the amendment is because in the original proposal the funding for this effort came from a dedicated source and we are making a direct General Fund appropriation.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-597) to Committee Amendment "A" (H-915) **ADOPTED**.

Committee Amendment "A" (H-915) as Amended by Senate Amendment "A" (S-597) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-915) AS AMENDED BY SENATE AMENDMENT "A" (S-597) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Prohibit Bullying and Cyberbullying in Schools
H.P. 928 L.D. 1237
(C "B" H-745)

Tabled - March 14, 2012, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, March 12, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-745)**, in concurrence.)

(In House, March 13, 2012, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-745)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "B" (H-745), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-598) to Committee Amendment "B" (H-745) **READ**.

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

Senator **ROSEN:** Thank you Mr. President. Members of the Senate, the amendment adds a Mandate Preamble to L.D. 1237.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-598) to Committee Amendment "B" (H-745) **ADOPTED**.

Committee Amendment "B" (H-745) as Amended by Senate Amendment "A" (S-598) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#507)

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

35 Senators having voted in the affirmative and No Senator having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-745) AS AMENDED BY SENATE AMENDMENT "A" (S-598)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Amend the Laws Governing Freedom of Access
S.P. 456 L.D. 1465
(C "A" S-514)

Tabled - April 5, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 3, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-514)**.)

(In House, April 5, 2012, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-514)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-514).

On further motion by same Senator, Senate Amendment "A" (S-599) to Committee Amendment "A" (S-514) **READ**.

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

Senator **ROSEN:** Thank you Mr. President. The appropriation component of this bill was originally to provide funding for a full time Assistant Attorney General position to serve as the Public Access Ombudsman. The budget that was recently passed included funding for a half-time position, so the level of funding in this bill has been cut in half. This is providing the other half.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-599) to Committee Amendment "A" (S-514) **ADOPTED**.

Committee Amendment "A" (S-514) as Amended by Senate Amendment "A" (S-599) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-514) AS AMENDED BY SENATE AMENDMENT "A" (S-599) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Adopt the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes

H.P. 1263 L.D. 1711
(C "A" H-890)

Tabled - April 5, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-890)**, in concurrence.)

(In House, April 5, 2012, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-890)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-600) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-890) AND SENATE AMENDMENT "A" (S-600), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Fund the Computer Crimes Unit and Combat Human Sex Trafficking

S.P. 591 L.D. 1731
(C "A" S-502)

Tabled - April 3, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 30, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-502)**.)

(In House, April 3, 2012, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-502)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-502).

On further motion by same Senator, Senate Amendment "A" (S-601) to Committee Amendment "A" (S-502) **READ** and **ADOPTED**.

Committee Amendment "A" (S-502) as Amended by Senate Amendment "A" (S-601) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, just very quickly. This bill, L.D. 1731, has had a long journey, about eight years. It is now going to be at

least passed in this Senate and hopefully Enacted tonight. I want to thank everybody, especially the Committees on Criminal Justice and Public Safety and Appropriations and Financial Affairs for seeing this through. It really is going to make a huge difference, not only the funding but also the structure of the computer crime unit is now going to be up front. You are all going to be able to see it. In the future legislatures will be able to fund it or not, but at least you will know it's there. The sex trafficking piece is also going to be much improved in our statutes. Thank you, Mr. President, and thank you, everybody here.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-502) AS AMENDED BY SENATE AMENDMENT "A" (S-601) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

An Act To Amend Education Laws

H.P. 1284 L.D. 1742
(C "A" H-757)

Tabled - March 20, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 15, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757)**, in concurrence.)

(In House, March 19, 2012, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-757), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-602) to Committee Amendment "A" (H-757) **READ**.

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

Senator **ROSEN:** Thank you Mr. President. This amendment adds in Mandate Preamble to the bill.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-602) to Committee Amendment "A" (H-757) **ADOPTED**.

Committee Amendment "A" (H-757) as Amended by Senate Amendment "A" (S-602) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

Senator **JOHNSON:** Thank you Mr. President. There is a particular part of this bill which I have a problem with. It has to do with our deciding, for some reason, that it's good public policy to lower the public voting level of support for dissolving regional school relationships for some number of months and that it's perfectly good policy to then simply put it back some number of months later. I fail to understand why we could consider both to be good public policy when there is no particular special aspect of those months to say there is something happening that we have to address. In my own school system, people are very concerned. I know that some people want to leave consolidated school systems and some people want to keep them all together. I'm not here to argue the merits of either of those positions. I just think that it is very poor judgment to decide that two things that are different are both good public policy, which are in conflict with each other simply because of a matter of months time passage. Why is it all right not to require two-thirds vote if we're going to change that for a while and then later change it back to two-thirds? I would urge you to consider whether that is a good demonstration of good judgment in forming public policy and to consider not supporting this bill. Thank you.

Senator **ALFOND** of Cumberland requested a Roll Call. Less than one-fifth of the members responding, a Roll Call was not in order.

At the request of Senator **ALFOND** of Cumberland a Division was had. 19 Senators having voted in the affirmative and 13 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757) AS AMENDED BY SENATE AMENDMENT "A" (S-602)** thereto, in **NON-CONCURRENCE**.

(See action later today.)

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

Emergency Measure

An Act To Create the Maine Board of Tax Appeals
H.P. 1291 L.D. 1750
(C "A" H-860)

Tabled - April 3, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 2, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860)**, in concurrence.)

(In House, April 3, 2012, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-860), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-603) to Committee Amendment "A" (H-860) **READ** and **ADOPTED.**

Senate at Ease.

Senate called to order by the President.

Committee Amendment "A" (H-860) as Amended by Senate Amendment "A" (S-603) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860) AS AMENDED BY SENATE AMENDMENT "A" (S-603) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Update the Career and Technical Education Laws
S.P. 616 L.D. 1779
(C "A" S-416)

Tabled - March 13, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 8, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-416).**)

(In House, March 12, 2012, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-416).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-416).

On further motion by same Senator, Senate Amendment "A" (S-604) to Committee Amendment "A" (S-416) **READ.**

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

Senator **ROSEN:** Thank you Mr. President. This amendment adds a Mandate Preamble and makes other minor technical changes to the bill.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-604) to Committee Amendment "A" (S-416) **ADOPTED.**

Committee Amendment "A" (S-416) as Amended by Senate Amendment "A" (S-604) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-416) AS AMENDED BY SENATE AMENDMENT "A" (S-604) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Restructure the National Board Certification Program for Teachers

S.P. 618 L.D. 1781
(C "A" S-488)

Tabled - April 2, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 28, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-488).**)

(In House, March 30, 2012, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-488).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-488).

On further motion by same Senator, Senate Amendment "A" (S-610) to Committee Amendment "A" (S-488) **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 amendment is significant, particularly related to the amount of work and effort that was required of the Senator from Cumberland, Senator Alford, the Commissioner of the Department of Education, Commissioner Bowen, and others to put forward improvements to the National Board for Professional Teaching standards scholarships and related programs.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-610) to Committee Amendment "A" (S-488) **ADOPTED.**

Committee Amendment "A" (S-488) as Amended by Senate Amendment "A" (S-610) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-488) AS AMENDED BY SENATE AMENDMENT "A" (S-610) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

An Act To Enhance Career and Technical Education
S.P. 650 L.D. 1865
(H "A" H-896 to C "A" S-518;
S "A" S-530)

Tabled - April 11, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 10, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518) AS AMENDED BY HOUSE AMENDMENT "A" (H-896)** thereto **AND SENATE AMENDMENT "A" (S-530).**)

(In House, April 10, 2012, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518) AS AMENDED BY HOUSE AMENDMENT "A" (H-896)** thereto **AND SENATE AMENDMENT "A" (S-530).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-518) as Amended by House Amendment "A" (H-896) thereto, and Senate Amendment "A" (S-530).

On further motion by same Senator, Senate Amendment "B" (S-605) to Committee Amendment "A" (S-518) **READ** and **ADOPTED.**

Committee Amendment "A" (S-518) as Amended by House Amendment "A" (H-896) and Senate Amendment "B" (S-605) thereto, and Senate Amendment "A" (S-530), **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518) AS AMENDED BY HOUSE AMENDMENT "A" (H-896) AND SENATE AMENDMENT "B" (S-605) thereto, **AND SENATE AMENDMENT "A" (S-530)**, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

Emergency Measure

An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics
S.P. 654 L.D. 1873

Tabled - March 19, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 14, 2012, **PASSED TO BE ENGROSSED.**)

(In House, March 15, 2012, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-606) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED SENATE AMENDMENT "A" (S-606), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Revise the Laws Regarding the Fund for a Healthy Maine

S.P. 661 L.D. 1884

Tabled - March 21, 2012, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, March 19, 2012, **PASSED TO BE ENGROSSED**.)

(In House, March 20, 2012, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-612) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-612), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Strengthen the State's Ability To Investigate and Prosecute Misuse of Public Benefits

S.P. 665 L.D. 1888
(C "A" S-542)

Tabled - April 11, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 10, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-542)**.)

(In House, April 11, 2012, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-542)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-542).

On further motion by same Senator, Senate Amendment "A" (S-608) to Committee Amendment "A" (S-542) **READ**.

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

Senator **ROSEN:** Thank you Mr. President. This is the bill from the Health and Human Services Committee that deals with the pursuit of fraud. The amendment delays the implementation of the initiative to January 1, 2013.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-608) to Committee Amendment "A" (S-542) **ADOPTED**.

Committee Amendment "A" (S-542) as Amended by Senate Amendment "A" (S-608) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-542) AS AMENDED BY SENATE AMENDMENT "A" (S-608) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

Emergency Measure

An Act To Revise the Target Prices for the Dairy Stabilization Program

H.P. 1409 L.D. 1905
(S "A" S-535; S "B" S-546)

Tabled - April 12, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 11, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-535) AND "B" (S-546)**, in **NON-CONCURRENCE**.)

(In House, April 12, 2012, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-535) AND "B" (S-546)**, in **NON-CONCURRENCE**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED SENATE AMENDMENT "B" (S-546)**.

On further motion by same Senator, Senate Amendment "A" (S-607) to Senate Amendment "B" (S-546) **READ** and **ADOPTED**.

Senate Amendment "B" (S-546) as Amended by Senate Amendments "A" (S-607) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (H-535) AND SENATE AMENDMENT "B" (S-546) AS AMENDED BY SENATE AMENDMENT "A" (S-607) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

S.P. 252 L.D. 849
(S "C" S-443, S "E" S-506
to C "C" S-427)

Tabled - April 9, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 30, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-427) AS AMENDED BY SENATE AMENDMENTS "C" (S-443) AND "E" (S-506)** thereto.)

(In House, April 9, 2012, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-427) AS AMENDED BY SENATE AMENDMENTS "C" (S-443) AND "E" (S-506)** thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED COMMITTEE AMENDMENT "C" (S-427) AS AMENDED BY SENATE AMENDMENTS "C" (S-443) AND "E" (S-506)** thereto.

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

On further motion by same Senator, the **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "E" (S-506) to Committee Amendment "C" (S-427) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "F" (S-596) to Committee Amendment "C" (S-427) **READ**.

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

Senator **ROSEN:** Thank you Mr. President. This is L.D. 849, the bill to work down the reduction of the rate, the personal income tax rate, top rate. The amendment decreases the percentage of excess revenue that is transferred to the Tax Relief Fund for Maine residents from 40% to 20% and revises the percentages of the excess revenue that are transferred to certain other accounts in the cascade. The effect of this change is to increase or enhance the dominance of the Budget Stabilization Fund to appear prior to the Tax Relief Fund in a more dominant manner. The effect of this is to, essentially, move the level of funding that would move to the Budget Stabilization Fund first and to a higher amount than the originally drafted amended version.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "F" (S-596) to Committee Amendment "C" (S-427) **ADOPTED**.

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

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

Senator **JOHNSON:** Thank you Mr. President. I'm standing once again, which is probably no surprise to most of you in this room, in opposition to this bill. I'd like to point out a few more things before we consider its adoption. In the information before you regarding Maine's state and local effective tax rates over the last few years, I'd like you to note that it is the local tax rate that has been continuing to decline. Also note on the second page that overall tax burden falls inequitably more on the lowest 20% earning, which will not be effected by these income tax cuts, and falls least of all on the top 1% that will be effected by these income tax cuts. I'd also like you to note that although this information is a little bit old and our numbers are probably a little less, given the slight decline on the chart on the first page, and we compare favorably on a per capita basis with other New England states in terms of the overall burden of local and state taxes together. The problem I have is that we are not, as I had

suggested and attempted to put on an amendment to deal with that, dealing with the property tax burden, which would make all of our charts make more sense in terms of what we need to improve. Instead it's ratcheting down the income tax while not addressing the ways that that will inhibit our ability to fully fund the 55% for education and the revenue sharing circuit breaker program, things that would help with the burden that Maine people have in state and local taxes combined. I would say this is the wrong solution. It's the wrong decision. It is the wrong diagnosis of our problem that we need to fix and, therefore, the wrong cure.

We've got a lot of things that we need to invest in and we've heard that in various ways over the last day and a half. Our shortfall in funding for 55% of K-12 education is something in the order of \$200 million. Our shortfall in revenue sharing is something in the order of \$44 million. We need to spend hundreds of millions of dollars more, by a conservative estimate, to fund fiscally responsible capital road repairs. We are spending money on light capital paving, trying to hold the status quo because we haven't got enough investment in capital road work. Yet that is actually costing Maine taxpayers owning vehicles, and running them on these roads, more than that in the course of the year in repair costs. We're short classroom space in our community college system. That's one of the things that we partially subsidize in order to keep the tuition costs reasonable so that we have more students who go to our community college system. We turned away about 4,000 students this year and about 5,000 students last year. It's estimated that that would take about \$16 million, aside from the bonding, to expand the physical space and physical planned facilities for those important training opportunities for people to find work. Just to help with that subsidization of tuition to keep it affordable to Maine people, that's something in the order of \$16 million. It was pointed out earlier today that we should be investing about 3% of GDP in research and development. That would \$1 billion more than where we are today to make that wise investment in our economic future. Instead of applying surplus to accomplishing any of those worthy things, what this is doing is insuring that we will have less revenue to meet those needs and investing in Maine's future. The bill will reduce revenues in several years by about \$600 million through unfunded income tax cuts with no plan to pay for it. The non-partisan Fiscal Office of the Maine Legislature says, "Full implementation of L.D. 849 would cause losses to Maine's schools, roads, bridges, and towns totaling over \$1.2 billion per biennium." That's not what I want to leave as a future for my children and grandchildren. I would urge you to pass reducing spending before cutting revenues. If you are convinced that we can operate state government on less, then let's not just set ourselves up with a tax cut in revenues and then leave other legislators to figure how to make that work. Let's figure out how to make state government operate on less first and then reduce what we ask of Maine people to fund state government as a consequence of that. I think that's the responsible way to go about doing the people's business. L.D. 849 income tax cuts would give more than \$21,000 a year to that top 1% you see in the very right hand band that are paying less than the average Maine person in total state and local tax burden. Yet for struggling families it's somewhere around \$1 a year. I can't understand why people feel that this is the right direction for Maine's future. I understand the attraction of being able to cut taxes. I just think we ought to figure out how we're going to pay for it and how we're going to make the wise investments in

Maine's future before we bind future legislatures to ratcheting down the revenue stream. Thank you.

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

Senator **BARTLETT:** Thank you Mr. President. I think it's somewhat appropriate that we are finally disposing of this bill in the very final hours of the legislative session, as we are slipping something through that is extraordinarily dangerous for the future of Maine. If we're going to have a bill that essentially creates a slight of hand why not do it in the final hours. The sad part about this proposal is that it takes what many believe is positive, which is reducing our income tax, and pays for it by putting it on a credit card. We have no idea how we are going to pay for that when the bill comes. We know we're creating a huge structural gap that the next Legislature is going to have to deal with, and all future legislatures. It's about as fiscally irresponsible and unconservative an approach to taxes that one could ever come up with. This is the equivalent of someone on June 30th having \$1,000 sitting in a bank account and saying, "Look, I've got money at the end of the month. Let's have a party. We'll invite all our friends over. I'll spend all my money and we'll have a blow out bash with that \$1,000 that's left." Then on July 1st they wake up and realize the mortgage is due. They had money yesterday, but they never thought to put that towards today's mortgage. That's what ordinary people do. They look at their budget, month to month and year to year. What this does is simply say that if there is a little money left in the bank account at the end of the fiscal year we're going to have a tax cut no matter what bill comes due on the next day. That is irresponsible. It is not conservative. It is not balanced. It's stunning to me that this is the tax policy that the new Majority has chosen to take. It also hurts Maine in its ability to borrow money going forward. The bond companies have expressed great concern about the creation of a large structural gap through this proposal, and they have already pointed out a problem in Maine of having too low cash reserves in our accounts. This makes them lower. This compromises our ability to deal with emergencies that could arise. For that reason, the main bond banks are not going to be happy with this change. We could very well see our bond rating jeopardized as a result of this. It will cost the state of Maine more money to build every road, every bridge, and build every school. All the bonds we pass today are going to get more expensive as a result of this bill. This isn't really a tax cut. It's a tax shift. You are simply hiding the ball, moving it somewhere else. Until you identify how you are going to pay for it and what cuts are going to be achieved to achieve those savings, this is nothing more than a shift. It is a shift and it's a sham. Maine people have repeatedly rejected this approach. We've given it to them, people have given it to them time after time, and every chance they have rejected it. Yet we are going to shove it down their throat here in the very last minute of this legislative session, even though it is going to cost taxpayers more money in the long run. This is nothing more than credit card politics. The people of Maine deserve better. They deserve an approach that looks at the entire picture and makes sure that when we make promises to them that we can follow up on them. This is a promise that will be impossible to keep. I know it creates a great political statement. We've passed legislation that promises to lower your tax rate, yet we don't show them all the other places those costs are going to bubble up at and those taxes are going to bubble up. It's a disingenuous

approach and I think the people of Maine will see through it. Thank you, Mr. President.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I rise reluctantly at the late hour, but I can't let some of these comments go unchallenged. Some of these comments would suggest that we are creating issues for the municipal bond bank. This Legislature, when we leave tonight, will not have a structural gap. When we came in it was \$1.3 billion. We're going to be lectured by the people that created a \$1.3 billion structural gap? I don't think so. I spoke to the municipal bond banks. Their biggest concern about the State's debt is the ongoing programs that have been created and not funded. Over the last decade there have been programs that have been created with no means to pay for them in the long term. It has created this situation where we've had to make some very difficult decisions. Not to get too emotional about this, but this is just a very small portion of tax relief going forward. It creates a priority within the cascade; 20% of the cascade, 20% above the extra money that flows in, gets used in a subsequent year for tax relief. My God, that doesn't sound very bold. It's nowhere near what it was originally. What this bill does is sets a target. It sets a target to put Maine on track to reduce the income tax to 4%. That's the real fear, that the Maine income tax will one day be 4% if the Legislature and future legislatures stay on track. That is a goal. That is a goal that I challenge future legislatures to strive towards. The other issue is about taking money from one year and using it to fund tax cuts in subsequent years. If you look at the history of the last 30 years, we've had, I believe, two years that we've had declining revenues. Yes, there may be two years if the pattern continues. There may be a couple of years that they have some difficult times to get through, just as we've had to deal with it in the last few years. Almost every year there is more money coming in from the taxpayers than there was the previous year. It's definitely a philosophical difference. I believe if we have extra money come in it ought to go back to the taxpayers. This is not a shift. This is just a commitment that the Legislature should be making. We need to have a target to reduce our income tax so we can be competitive not only with just our neighboring states, but across the country and across the world. Thank you, Mr. President.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **WOODBURY:** Thank you Mr. President. This is another example of a bill that is a bit of a moving target in these last minutes of this Legislature. I'll be honest. I'm having trouble figuring it out. I have an immediate question, but I may well have follow up questions. My immediate question is, is the tax reduction that is triggered in this bill based on having surplus revenues in a particular year or is it based on having revenues that go above the appropriations limit, which is the old L.D. 1 limit, which we are way, way below? As I read this, the description of

the fiscal note suggests that this only kicks in above the appropriations limit, but the actual text of the bill seems to suggest that this is actually in the cascade that kicks in far before the appropriations limit. I'm sorry to raise these issues on the floor, but this is just coming to us on the floor. That's my question. Thank you.

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

Senator **JOHNSON:** Thank you Mr. President. I am not rising to respond to the question. I do want to point out that the comment earlier that what the credit rating agencies have as a problem is that we're spending money that we're having a hard time covering. It strikes me that there are many ways to arrive at that problem. You can have too many programs that you are spending money on. This bill is also guaranteeing that we're going to be coming into the problem once again the other way around because we're going to be reducing the revenues to pay for the programs. Even if we hold stable on the level of what we're funding for programs, we will have less revenue than we need to pay for that. It's nice to think that we'll have rising revenues and that picture will be pretty. I would argue that if that's the solution to that not being a problem while we are ratcheting down our revenues, or at least our rates to return revenue, than that also be the solution to the problem right now where spending a lot and having a problem of how we pay for that. If counting on increasing revenues is a solution for next year or the year after, then why isn't it the solution today? I think the answer is that it simply isn't. Why should we expect that it will be next year? This bill is all about creating that problem over and over and over again. I think it's really irresponsible and I think that the bond agencies would understand that, for us to enforce that in law, there be diminishing ability to return revenue from whatever the income levels are of our citizenry. That's a great structural indicator of a problem looming in paying our debt obligations. I would expect any agency to have a problem with Maine's credit rating, credit worthiness, based on that and look at the situation. I've been moderating town meetings for many years now. It's a regular occurrence that you'll have a small article that says we're going to apply XX amount of dollars from surplus for the reduction of taxes. It's reducing the property tax rate that year by a little bit. For some reason, it probably has something to do with whether the town continues to operate and is able to borrow when they need to for cash flow at various times of the year, they don't decide that they are going to, based on that surplus, set a lower tax rate that year. They lock it in and if there is surplus another year they make sure that they lower the property tax, the mill rate, again and lock it in there. That would be irresponsible for any municipality to conduct their business like that. Why are we doing it at the state level? Why aren't we dealing year by year with what we have for surplus? If this mechanism is going to assure that we have rising revenues, then by all means write into law that you are going to put that into a fund that every year, if you have sufficient surplus, you are going to lower, for just the next year, the taxes by whatever the difference is between that surplus and what you would have set for a tax rate for Maine people. If you continue to operate government cost effectively, you will continue to be able to offer lower tax rates to the people. It relies on you being able to offer that good management. Here

we are deciding for a future Legislature that they are going to be bound by this without knowing what their challenges are going to be. I argue again that this is not only irresponsible, I think it's that sort of irresponsible policy the bond rating agencies rightly have a problem with. Thank you.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I rise to make only one point. To my colleague from York County, Senator Courtney, I take some personal offense to the fact that we are the people that created, this party, on this side of the aisle, this. I would remind you that in the 124th session we had five budgets, all unanimously supported by Appropriations, which means that all of them. It was our budget, it was not your budget, it was not the Democrat's budget, it was everybody's. We had five because it is a moving target and every time, as we have found out this time, the revenues were projected, up or down, you had to create another balanced budget. It was done five times. It was done unanimously. I resent all of a sudden, after a unanimous decision by Appropriations, that we are standing here and pointing fingers at this hour. It's one thing to like or dislike what is in front of us. The 124th had five unanimous budgets. We stick together. I've heard an awful lot about it being a family in 14 years. Like families, many of us will be leaving this time around. As a family we stick together. In the 124th they were unanimous. I am somewhat offended by that. I we're trying to make points here, as we argue, but we have to remember that we did this together. We will go out of here doing things together. That's all I have to say. Thank you.

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

Senator **BARTLETT:** Thank you Mr. President. I do have to address one of the issues that have been raised. The idea that we are leaving this Legislature with a balanced budget. We are not. For the first time since I have been in this Senate we are leaving without a balanced budget. We passed a document yesterday that violated federal law in four key areas. That produces a \$22 million shortfall. We haven't paid for that. The budget is not balanced under current federal law. Secondly, we made significant tax changes in the initial budget that was passed. That creates a \$400 million structural gap for the next Legislature. It was a \$400 million tax cut that was not funded. We also made some changes in our tax treatment for pensions. That cost \$25 million that we have not paid for, but we've kicked to the next Legislature. By my count, that is \$447 million at a minimum that this Legislature has created in a structural gap for the next Legislature. We haven't even paid the bills in front of us and we're saying if there is any loose change at the end of the year we're not going to put it towards these bills that we created. To take my credit card analogy a little further, we've put \$447 million on a credit card with no ability to pay for it. Now we're taking out the credit card again and saying, "Let's just max that baby out," with no plan to pay for it. It is reckless. It is irresponsible. You might say that we're punting this issue down the field, getting to the next Legislature. I think a better football analogy is that we are throwing a Hail Mary up for grabs at the final seconds, hoping against hope that a miracle will break

through and money will rain from the sky and we'll be able to pay for this. I didn't see in the budget a plan for the State of Maine to buy a lot of lottery tickets or to play a lot of roulette, which is what this is. It is simply a gamble on a wing and a prayer, hoping that money materializes out of nowhere. It is irresponsible. It's unfortunate that it's not a prudent, responsible, or conservative approach. I think the people of Maine would be very upset if they realized how we are playing with their money. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I don't think I can add any technical analysis to this bill, but I'll give it a little bit of a different approach. To me, this is a "got ya" bill. Politically, the way I should vote is to support this because everyone is going to be saying, "Wow, it's a tax cut. Hurray. We did something good." Philosophically, I think it's the wrong thing to do. Politically, I know there is a huge difference, philosophically, between the Majority and Minority parties. Part of that irritates me and bothers me to this extent because we both want to do what's right for the State of Maine and the citizens of the state of Maine. I wish there was times when we could actually both come together and do something that's not going to hurt anyone and that's going to do some good for everyone. I really don't believe this is going to do it. I've heard so much about this bill that scares the heck out of me, just like many of the bills we passed here this year. I know L.D. 1333. I put in a paper that, just like my colleague from Aroostook said, if you are over 40 years old and you live in a rural area, you are going to have a huge increase in your healthcare costs. That came true. The Workers' Comp issue that is pending; a lot of people are going to be hurt down the road. Unemployment, we're going to be hurt down the road. I would have liked to have seen compromises on those that would benefit everyone. In all the things that I've seen, I'm going to be able to say, and I'm hoping I'm not able to say, "I told you so," because on a lot of my analogies to my constituents they are going to be angry at me for some of the issues that I took. I'm going to say it might not be today, it might not be next month, it might be before November, and it might be next year. Things are going to happen that's not going to be good for a lot of people. I am wishing that we could find ways, and I don't think this is one of the ways, that is good for all the citizens of the state of Maine. Many times there are winners and there are losers in the things that we do and the decisions that we make. There are a lot of decisions that I've made and votes that I've taken that I'd hoped that the decisions that I made were good decisions based on good judgment and good information that we had coming out of committee and good information we heard here on the floor. It just seems like there is so much near the end and so many things that have come along. I'm going to vote against this bill. I was actually thinking, politically, that all I've got to do is say, "Hey, I passed tax cuts," but I can't do that in good conscience. I'm going to vote against this bill and I'm hoping I don't tell the citizens of the state of Maine, "I told you so," because I want to see the State of Maine prosper. I'd like to have us be the greatest state in the United States of America, but I think we're headed into the abyss at an accelerated rate and I'm hoping that you will join me and vote Ought Not to Pass. Thank you, Mr. President.

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

Senator **WOODBURY:** Thank you Mr. President. I'm going to make an attempt to answer my own question and then I'm going to raise my biggest concerns with the bill. It does trouble me that I think those who have been trying to re-craft this bill at the very end know exactly which cascade this is applied to. As I now have read it, I actually think it's both. I there is a flow of funds into the Tax Relief Fund if we go above the appropriations limit; that is this big limit from the old L.D. 1 which we are not near right now. If we flow over that, I think there is a flow into the Tax Relief Fund. I think separately from that there is a flow in the regular cascade. I think that both are true, but it would be helpful to have confirmation from the people who worked on this. One issue, sort of, is the confusion about what exactly this thing does do. By the way, I really want a 4% income tax. I really a really want a funded 4% income tax. A restructured tax code that enables us to, in fact, have it legitimately and fairly. This sentence from the fiscal note, I find that this approach is the wrong approach. Let me read it. "Since the funding for the rate reduction is nonrecurring, and the rate reduction's permanent, it is possible that the bill could result in significantly reduced revenues for all years following the implementation of a tax rate reduction." That is using sort of one-time money to create a recurring future gap. That's the point that other speakers have made about why this is a concern for the debt agencies in thinking about our credit ratings and so forth. It's an issue. This is creating a permanent change in tax rates with a temporary blip in funding. That's a big concern. Again and again I come back to this. I think it's absolutely critical for the economic future of this state that we do, in fact, get to a 4% income tax rate in a way that works. I'm just as convinced that this particular bill is not the way to get there. Thank you.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **ALFOND:** Thank you Mr. President. When Commissioner Millett, our Commissioner in the Department of Financial Services, was asked the question of his opinion of L.D. 849 and the amendment that he was there to comment on; what was his response?

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

Senator **SCHNEIDER:** Thank you Mr. President. I had not intended on speaking on this particular piece of legislation, but I happened to be present at the Appropriations Committee discussion this morning. I know that he probably didn't want to say this. He had what he brought up as "serious concerns" about this. I won't elaborate because I don't want to put words in his mouth and misquote him. I would say, at least from what I say in his face, that the concerns expressed here were probably some of his very own. I don't know. I would strongly urge you not to

support this bill. I think it sounds great. I'm actually not in opposition to having a 4% income tax myself. I just think that we need to do it in a very thoughtful way. I think that this is not the way that we ought to go about it either. Apparently the Commissioner, I don't want to say more other than he had serious concerns about the legislation. Thank you.

THE PRESIDENT: The pending question before the Senate is to Adopt Committee Amendment "C" (S-427) as Amended by Senate Amendments "C" (S-443) and "F" (S-596) thereto, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#508)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, JACKSON, 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, GERZOFISKY, GOODALL, HILL, HOBBS, JOHNSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, Committee Amendment "C" (S-427) as Amended by Senate Amendments "C" (S-443) and "F" (S-596) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-427) AS AMENDED BY SENATE AMENDMENTS "C" (S-443) AND "F" (S-596) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Reform Land Use Planning in the Unorganized Territory

H.P. 1325 L.D. 1798
(H "A" H-926 to C "A" H-918)

Tabled - April 9, 2012, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 10, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-918) AS AMENDED BY HOUSE AMENDMENT "A" (H-926)** thereto, in concurrence.)

(In House, April 10, 2012, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-918) AS AMENDED BY HOUSE AMENDMENT "A" (H-926)** thereto, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-918) as Amended by House Amendment "A" (H-926) thereto, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-926) to Committee Amendment "A" (H-918) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "A" (S-611) to Committee Amendment "A" (H-926) **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 an internal transfer of a position, a position that will be moving from the Land Use Regulation Commission Program in the Department of Conservation to the Land and Water Quality Program in the Department of Environmental Protection.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-611) to Committee Amendment "A" (H-926) **ADOPTED.**

Committee Amendment "A" (H-926) as Amended by Senate Amendment "A" (S-611) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-926) AS AMENDED BY SENATE AMENDMENT "A" (S-611) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 378

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

May 16, 2012

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

Dear Secretary Carleton:

House Paper 1296, Legislative Document 1761, "An Act To Improve and Ensure Adequate Funding for E-9-1-1 Services," (EMERGENCY) 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?"

36 voted in favor and 103 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. 377

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

April 20, 2012

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

Dear Secretary Carleton:

House Paper 1405, Legislative Document 1903, "An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013," together with four line-item vetoes, three disapproving dollar amounts to Section A-17 and one disapproving dollar amount to Section AAA-3, was returned by the Governor without his signature, after adjournment on Saturday, April 14, 2012, pursuant to his authority under the Maine Constitution Article IV, Part Third, Section 2-A.

The Legislature, having adjourned on Saturday, April 14, 2012 until Tuesday, May 15, 2012, did not reconvene to act upon these four items within five days as directed by House Rule 521, and accordingly, the line-item vetoes were not overridden and the bill with the four line-item vetoes was returned to the Governor.

Sincerely,

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

READ and ORDERED PLACED ON FILE.

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

ENACTORS

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

Emergency Resolve

Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children

H.P. 1257 L.D. 1705
(C "A" H-796; S "A" S-571)

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

Ordered sent down forthwith.

Bond Issue

An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 To Fund Research and Development

S.P. 76 L.D. 225
(C "A" S-569)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 31 Members of the Senate, with 4 Senators having voted in the negative, and 31 being more than two-thirds of the Members present and voting, 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.

Bond Issue

An Act To Authorize a General Fund Bond Issue for Wastewater and Drinking Water Revolving Loan Funds

H.P. 285 L.D. 359
(C "A" H-957)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with 3 Senators having voted in the negative, and 32 being more than two-thirds of the Members present and voting, 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.

Senate at Ease.

Senate called to order by the President.

Bond Issue

An Act To Authorize a General Fund Bond Issue To Support Maine's Natural Resource-based Economy

S.P. 255 L.D. 852
(S "A" S-591 to C "A" S-576)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with 5 Senators having voted in the negative, and 30 being more than two-thirds of the Members present and voting, 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.

Bond Issue

An Act To Authorize a General Fund Bond Issue for Higher Education

S.P. 278 L.D. 874
(C "A" S-574)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 34 Members of the Senate, with 1 Senator having voted in the negative, and 34 being more than two-thirds of the Members present and voting, 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.

Act

An Act To Limit the Bonding Authority of the Maine Governmental Facilities Authority to Court Facility Projects

H.P. 603 L.D. 807
(C "A" H-958)

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.

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

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

ENACTORS

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

Bond Issue

An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure To Meet the Needs of the Business Sector and To Create Jobs

S.P. 282 L.D. 894
(S "A" S-590 to C "A" S-568)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with 3 Senators having voted in the negative, and 32 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

THE PRESIDENT: I would now like to take prerogative as Presiding Officer, as we are nearing the moment when the gavel falls for the final time on the 125th Maine Senate, to share some thoughts. For some of us, myself included, this will mark the end of our final session in the Senate. With your indulgence, I want to take a few minutes to share some parting thoughts. To be

honest, it is hard for me to believe that nearly eight years have passed since I arrived in this Chamber in December 2004. As I reflect back on my time here, my heart is filled with gratitude for having had the opportunity to serve in the Maine Senate. It has been an amazing life experience to represent the people of Senate District 29 and to work under this Dome with extraordinary people on both sides of the aisle and on both the partisan and non-partisan staffs. I will always be grateful to each of you for the confidence you bestowed in allowing me to serve as President of the Senate. When I was sworn in 17 months ago and stood before you for the first time as Presiding Officer, I said that, while headlines may shout about our disagreements, most of what we would do would be done in bi-partisan harmony and that where principled differences divide us that disagreement need not be characterized by bitter recriminations and verbal bombs because, despite our different views, each person who serves here is motivated to do so by a love of this state and the sincere desire to make it a better place. I think we saw that, as Senator Diamond noted in yesterday's high level of debate on the Supplemental Budget. As we convened that opening day in December 2010 we faced many daunting challenges including, at that time, an \$804 million shortfall and a business climate weakened by burdensome and confusing arrays of regulations as well as high taxes and healthcare premiums significantly higher than our neighbors to the south and rising by double digits year after year. There was a precipitous drop in education funding and no plan to pay our hospitals to preserve the jobs and secure access to quality healthcare across the state. We faced a dangerously unfunded liability in the Maine State Retirement System. As I predicted on that opening day, we met those challenges together, head on, with determination, focus, thoughtfulness, mutual respect, and Maine common sense. We made the responsible decisions that will make Maine a stronger state in the long run. We crafted budgets, five of them bi-partisan and just one along party lines, that established thoughtful priorities, and maintained a commitment to education and to the most vulnerable among us, including our low income elderly, those with disabilities, and low income children.

We leave here with that \$804 million short fall eliminated with the bi-partisan passage of regulatory reform with L.D. 1. We put Maine on a stronger foundation for the future by taking steps to improve our business climate so Maine's young people and working families will be able to carve out a bright future and successful careers without pulling up stakes and leaving Maine. We took a careful look at how the Legislature itself does business and we led by example, saving \$9.4 million in the Legislative Budget, including the Senate President's Office, the Secretary's Office, and both partisan offices. With the bi-partisan passage of LURC reform, the new market's tax credit, and revisions to the EPS school funding formula we took important steps to heal the divisions that have existed in this state by demonstrating sensitivity to the concerns of parts of the state that had felt left behind. Together we struck a thoughtful balance between preserving vital services and achieving a smaller, more efficient government; balanced between preserving our cherished environment and preserving jobs, and balanced between the needs of our workforce and the ability of employers to continue providing jobs. Together we have helped change the culture of state government and have made important progress towards a Maine state government that is caring and responsible, efficient and affordable, and transparent and effective.

I believe we have also shown the way to reducing the partisan rancor that seems to dominate so much of modern day political discourse, not by abandoning principles but by listening and seeking common ground, all the while remembering to treat each other with kindness, respect, and common courtesy. Along the way I have had an opportunity to work with the Leadership Team on both sides of the aisle, whom I count as friends as I prepare to leave this place. Senator Alford, it has been a pleasure to get to know you better during the 125th Legislature. I have enjoyed our debates and our discussions and I particularly value our shared roots in Eastport. You are a passionate defender of your district and your beliefs and I respect you for that very much. Senator Hobbins, I will always treasure our Thursday evening dinners with Speaker Nutting and Representative Cain and the friendship that we have forged over the past eight years, and especially these past two years as leaders of our respective parties in this Body. I love your stories from the Maine Legislature of the 1970's and 1980's. I almost said 1870's and 1880's, sorry. I look forward to someday looking back with you to these days in that same spirit. Senator Plowman, what can I say about a working relationship and friendship that goes back 25 years? I can still remember the non-political Deb who I hired to work in then-Congresswoman Snowe's office in Bangor and later entrusting to you one of our Springer Spaniel puppies. Little could I have imagined then that we would be colleagues in this Body, an experience that has strengthened our friendship and deepened my respect for you. Senator Courtney, when we arrived in the Senate eight years ago we didn't even know each other. Over the course of our service and work together I have come to have the greatest respect for your leadership, your insights, and your grasp of issues. We have become not just allies but true friends. I know that friendship will continue for the rest of our lives, wherever our lives may take us. When I first arrived in this Chamber as a freshman Senator in the first row, my seatmate to the right, not surprisingly, was Senator Plowman. To my left was the Senator from Oxford, Senator Hastings, another colleague who has distinguished himself in this Body as Chairman of the Judiciary Committee and whom I know is another friend for life. Likewise the others who will be terming out with Senators Courtney, Plowman, Hobbins, and Hastings with me this year are Senator Rosen, who's masterful, patient, thoughtful, and deliberative leadership of the Appropriations Committee will stand as an example for others to follow for years to come; Senator Diamond whom I admire so much for his devotion to public service, his long service in this Capital, his dedication to building consensus, and to fighting the scourge of child sexual abuse; Senator Sullivan whose passion for education is something we all respect and whose notes of encouragement and willingness to work across the aisle I will miss; Senator Brannigan whose sense of humor and impeccable timing, sometimes inappropriate timing, has endeared him to all of us and who has had a long and distinguished career in this building; Senator Bartlett who can always be counted on to give eloquent voice to the core principles of his party; and last but certainly not least, Senator Schneider whose energy and passion on the issues she cares about are eclipsed only by a heart that has enough room for all of us and uplifts us and whose amazing culinary skills has made us all bigger for having known her. I could go on to speak about each and every one in this Chamber. Those of you who are in your first terms, your second terms, and your third terms, each of you have a very special place in my heart.

I want to particularly pay a special tribute to the staff, those talented, hardworking, dedicated people without whom we could not do our work. I want to begin with two officers of the Senate; our superb Secretary Joe Carleton and the very able Assistant Secretary Dave Madore and their stellar staff, both in the Chamber and in the office, Tabetta Peters, Ben Kelleher, Maureen Cyr, Barbara Thayer, Jeanette Rowell, and Tyler LeClair. Sergeant-at-Arms Sean Paulhus, John Seed, Heather Macklin, Nathan Sanborn, and Melissa Wright, and not so long ago Ben Grant. The Majority Office, the staff there with whom I worked very closely, both as Republican Leader and later as Senate President; Diane Johanson, John Bott, Mark Ellis, Meagan Russo, Dawn Croteau, Jay Damon, Keith Herrick, and Krysta Lilly-Brown; all excellent, talented, dedicated, and hardworking people. My own staff in the President's Office: my Chief of Staff and fount of wisdom from her own 24 years of service in both Bodies, the Honorable Mary Small; Rob Caverly, my Senior Policy Advisor, a young man who is thoroughly devoted to public service and the people of Maine and whose work has been invaluable to me; my Special Assistant, Chris Cote, likewise an enormously hard working, thorough, and capable public servant; and Scott Fish, my Communications Director, whose experience and energy and enthusiasm and abilities are invaluable; and last but certainly not least, the inestimable Rose Smith, the only person in America who has worked for 24 years for three Governors of different parties. She could write a book. For some reason she agreed to come and work in my office, where she has graced us all with her institutional knowledge, her sunny disposition, her good humor, and her undying loyalty. Each one of you has become my friend and I thank you for being part of this incredible experience we have shared. Finally, I want to thank my wife and my life partner, Karen, who keeps her nose to the grindstone, literally, to keep the business going and without whose love and support, and I can't even begin to tell you how much support she has given me that has made these past eight years possible, I could not have done it without her. From the bottom of my heart, I thank each and every one of you for this opportunity. I thank you for your friendship. In the immortal words of the late great Bob Hope, thanks for the memories. May God bless each and every one of you and may God always bless the Maine Senate.

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

Senator **HOBBS**: Thank you very much Mr. President. Men and women of the Senate, let me just say that your comments are very hard to follow because I know how sincere you are with this Body and the relationships you have gained and how you contributed as a public servant, Mr. President. I have been involved in politics for a while now and appreciate the highs and lows that come with the political process and the political game. This last term, I think, showcased a brand new ballgame in Maine politics. Let me say, to the good Senator from Kennebec, Senator Katz, some of members of my team are not going to be happy with me for using a baseball analogy because we've heard many from you over the past couple of years. I'm going to dare to use a baseball analogy and a sports analogy in my last comments. You know with a Republican controlled Executive Branch of the Legislature and the results of the November

election in 2010, it really shook up the political scorecard between Democrats and Republicans in Maine. For me, as a Democrat, that last election was a difficult one, but it was a decision of the voters of Maine made and one that I had to live with. I was fortunate to earn the trust and the confidence of the electorate in my district and appreciate the support that they provided me over my four terms in the Senate and in my previous service in the Legislature when I was a mere infant during the 1970's and 1980's. This session has been unique for me because it will be my last session as a State Senator and maybe my last session as a legislator. Those decisions will come maybe this coming November. It is really unique for me personally because I was picked by my Democratic colleagues to lead our caucus as the Democratic Floor Leader. This has been a real honor for me and one I've taken very seriously. I would not be truthful, as my grandmother always wanted me to be, if I did not say that there weren't challenging times being a leader because it is a different experience and one I humbly understand and I respect. I understand where my colleagues are coming from in dealing with these very complicated and complex issues, personalities, and difficult political times. Similar to the sports world, when your team loses you need to do your best to keep the team focused and ready to come back and fight and win the next game. Like all good teams, it is important to reflect on the strengths and the weaknesses of your own team. For me, on the team of Democrats in the Senate, I was honored to stand beside my colleagues in this Chamber and through our caucuses in many days during the past two years. As I look around I literally look at representation from all of the different areas of the state, from the most northern district of our state to the most southern district and a few in between. This Democratic group, my team, consists of small business owners, a furniture maker, teachers, retirees, a maintenance worker, attorneys, a real estate developer, social service administrators, and a logger. We are truly representative of the people of Maine. Although we come from different backgrounds and parts of the state, all of us share a common vision; to make Maine the best place to live, work, and visit. This is a vision I know that we share with our counterparts across the aisle. This session may not last longer than this very grueling session, as you Red Sox fans are facing, but it has been a difficult session for us, just as I know the two token Yankee fans who are in the Republican party are facing. I won't name them, but they know who they are. In seriousness, the voters placed with us all a tremendous amount of trust this session. The people of Maine have been making tough decisions at home and, unfortunately for us, we have had to make tough decisions here in the Legislature. We have faced, and will continue to face, tough times, not only here in Maine but across the country. Fortunately, the people of Maine are known for their resolve and I am confident that our state can work its way through these very difficult economic times towards the objective of having a stronger economy. As public servants it is our job to find solutions to the challenges facing our state. To accomplish these both parties have to operate with a spirit of cooperation and good faith to solve the State's financial problems, to make government more efficient, and to create an environment more conducive to job creation. For the most part, we have done a good job in that regard and we are continuing to put the people first. It was only by extending the trust to one another that we were able to meet the extraordinary challenges that have faced us. Just like helping our neighbors in a time of need, we had to work hard and work together. Mr. President, I would like to thank you for your leadership and your openness in

working with us to achieve these accomplishments. It has been a pleasure for the past eight years to have worked with you, especially the past two years in your position as President of the Senate. I am proud to call you a friend. It has been a pleasure to work with you and the rest of your leadership team and with all of the colleagues that are in your caucus.

I'd like to pay a special tribute to your leadership team; the good Senator from York, Senator Courtney and the good Senator from Penobscot, Senator Plowman. You have done an excellent job leading the Majority Party. I wish you Godspeed in your new endeavors. I wish you luck, but not too much luck. I do appreciate your respect and willingness to work with us during the heated moments. It means a great deal to me. Make no mistake, this legislative session has had some more difficult challenges. We have seen a lot more than we have seen in a long, long time. It required all parties working together and putting politics to the side; Democrats, Republicans, and even our good friend, and my good friend, the lone Independent member of this Body from Cumberland County, Senator Woodbury. I want to thank Senator Woodbury for his openness to work with us throughout the session. Lastly, I want to thank and give a special thanks and appreciation to my seatmate, a fellow leader of our caucus, the good Senator from Cumberland, Senator Alford. It has been a real honor and privilege to have work with Justin throughout the session. He has truly demonstrated to me and to my caucus that he walks the walk, as I say, and talks the talk. He does an outstanding job fighting for the principles that are so important to the Democrats. In this session we have proudly stood up for what we believed in, just as the loyal opposition to us has done the same for the ideals, goals, and objectives of what the Republican Party has done. I really think that no Body can have an effective operation without a dedicated staff, especially here in the Maine Senate. To Dave Madore and to Joe Carleton and you staff, thank you from the bottom of my heart for having the patience to deal with all of the demands that we imposed upon you. I also want to pay a special thanks to my staff for the Democrats. Ted Potter, who is one of the smartest people I've ever met in state government and who served as AA. Marcia Homstead, who is like a den mother to our Democratic caucus. Erika Dodge, Dan Shagoury, Mike Dunn, and Darek Grant, you are truly the all stars of our team.

I also want to thank and tell you that those individuals that I've served with for the past eight years, who I'm leaving with, are special people in my life. To all of those dedicated workers and to those individuals who represent their legislative districts, I want to thank you. Senator Sullivan, who at one time was my tutor when I was in high school because I was flunking Latin, thank you. I got through law school because of the Latin you helped me with. I still owe her a will. She asked me back when I was 15, "When you become a lawyer I want a free will." Senator Bartlett, a special thanks to Senator Bartlett. Senator Dill, is probably doing what you should be doing. Senator Brannigan, I have to admit that in his past profession he has heard many of confessions over the years. I thank you. I have said my Hail Mary's and my Our Father's at the behest of Senator Brannigan. Senator Diamond, I want to thank you for your senior experience. That's what they say when you have a few extra terms under your belt. You have been a true friend and I have to admit that I'm really proud that you've become an author. I know that is just one of the many, many books that you will be writing in the future and articles that you will be writing. I wish you well and I thank you. Senator Schneider, I don't know what to say. I've gained about 12

pounds. Thank you very much for your friendship, for your tenacity, your dedication to your constituents, and I wish you well. I think I've thought of everyone else, I hope I haven't missed any of my Democratic colleagues. If I have I apologize. I'm looking around. I don't think I have. Now I just want to say a few thank you to my Republican friends who are leaving the Body. The good Senator from Hancock, Senator Rosen, thank you for your leadership and hard work and dedication. You did make your first good decision by marrying the good Representative from your district. I wish you well in your endeavors. Senator Plowman, thank you for your long friendship. I wish you well, as I said, not too well, but I wish you well. Of course Senator Hastings, I have to tell you that it has been a real pleasure having had served with you on the Judiciary Committee. Politics and party labels are put at the door when it comes to the way we handled ourselves in that committee. It was a real pleasure and an honor. If you ever want to be a Supreme Court Justice I hope you can be. If you aren't under a Republican Administration, I would recommend you under a Democratic Administration. Senator Courtney, thank you for the respect and friendship that you have shown me. We have a good bond. I have to tell you that we have some commonality with our kids in the past playing sports. I think that was what helped bond us to begin our career. We have mutual friends. Thank you again for everything. This could be my last swan song. I hope it's not, but if it is my last endeavor in politics I couldn't have served with 34 better people than you Senators. Thank you.

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

Senator **COURTNEY**: Thank you Mr. President. Men and women of the Senate, I want to rise tonight to thank all of you for the opportunity to serve with you. I guess I'd like to start out by thanking our staff; Chief of Staff Diane Johanson, Meghan Russo, Jay Damon, Dawn Croteau, John Bott, Krysta Lilly-Brown, Mark Ellis, Keith Herrick; in the President's Office, Rose Smith, Scott Fish, Chris Cote, Rob Caverly, Mary Small; the Secretary's Office, Joe Carleton and his staff, Dave Madore; and the Chamber staff. Thank you all. Also thanks to Marsha and the Democrat staff. It has always been a pleasure to work with you.

It's been an honor to do this for the last decade. I came in in the 121st. It was kind of fate. Senator Collins had bad eyes. A lot of your guys were in the 121st. I got put up in the front, but Senator Collins didn't like that very much. He had bad eyes. He told me he couldn't see the board. Me, being the young guy, I got put at the end of the row. If you recall, in the 121st in the other Body the end of the row was about half way down the front and half way from the back. I had the honor of sitting next to my friend Stan Gerzofsky. I thought, "Boy, this is going to be a tough year." A few things have happened in my time up here that really, I think, shaped me and has given me an opportunity to appreciate not just the institution but the people of the institution. One of them was sitting next to Stan Gerzofsky for two years. I know a lot of you find that hard to believe. Right, Senator Goodall? It really did. Over the years we have built a real friendship. Senator Gerzofsky said something to me. We had a real tough debate here one night. He was really passionate for what we believed in. I was really passionate for what I believed in too. We were a little angry at each other. He said to me, "If someone is

passionate don't discount their passion because you're passionate on the other side." That doesn't mean you can't fight and you can't scrap. We all get mad and upset. That lesson that I learned has helped me so much. I backslide every once in a while, as well all do. I get upset. People get frustrated. The premise and understanding that just because you think you are right doesn't mean that you are actually right, but you might actually be right. You can't discount the passion on the other side. That has helped me immensely. I'll be forever indebted to my friend Stan.

The other thing that happened to me, I think it was during my second term in the Senate, was that I got put on a committee that I wasn't too happy to go to. I got put on a committee; I think the Chairman was Senator Bromley and the House Chair was Representative Smith. My seatmate in the committee was Senator Schneider. They said, "Courtney, you are going to have a hard time. They are three strong-willed women. You're really going to have a difficult time on that committee." You know, it was the best thing that ever could have happened to me because I got to learn from them, and I learned from each one of them. I learned about their passion. I learned and I tried to listen, as much as I like to talk. It was good for me. I remember sitting in the back on day, having a conversation with Senator Bromley. She had this vision, based on me being a conservative Republican, about my beliefs. We sat and talked. I said, "I don't believe that way." As we talked, and the more we talked, the more we understood each other. I made a lifelong friend because I had that opportunity to talk and listen.

I want to thank my colleagues on this side of the aisle. You all have honored me by electing me your leader. A lot of people think, "Hey, you're the leader." The leader means that you serve the people that you lead. It means that you get there first thing in the morning and you leave there last at night. It means you are there when they can't be or you try to make sure everybody knows what's going on to the best of your ability. It really has been an honor to serve. It's a lot harder, as Senator Bartlett will know, being the Majority than the Minority. One thing that I think made it easier this session is that we've had relationships across the aisle that have helped us get through some very difficult decisions. It seems to me, in most of the decisions that we've made, that when we made them together they've been better. Even some times when we parted ways, we tried to continue to work together. I can think of numerous issues where we might have had partisan votes, but by working together, even with a few, it made it a better bill, it made it a better law, and it made it better for the people of Maine.

Senator Alford, it's been an honor and a privilege to serve with you. I've learned so much by working with you. I appreciate your passion. I appreciate you reining me in when I get a little crazy. I appreciate the humor. I appreciate the opportunity to not take ourselves so seriously in this process at times. I think it helps lower the tension. Senator Hobbins, it's an honor and privilege to serve with you. I appreciate your directness. I appreciate your friendship. Maybe after the campaign I'll come down and take you to the Golden Rooster in Saco.

When we came into this Senate there was a bunch of us in the front row, sitting down there in the corner. Now it seems like we're all in the back row, except for one. Senator Hastings, thank you. It's been an honor and a privilege to serve with you. Senator Rosen, I can't believe all those unanimous budgets that you guys put together. Senator Plowman, I joke around a lot about Senator Plowman. Tonight is not really one of those nights.

Senator Plowman is the best seatmate you can ever have. When the chips are down, you will know that she always has your back and she's always looking out for you. It's been an honor and a privilege to serve in leadership with Senator Plowman.

Finally, President Raye, it's been quite a journey we've had from the little office across the hall. I think that you can really appreciate what it means to be in the Majority when you've served in the Minority. I think you have a respect, a respect that there is a responsibility being in the Majority, not to just run things through but to try, even though it doesn't always happen, to work together. I've learned a lot about that from my friend, Kevin Raye. I've watched him sit in the office for hours, talking to members and trying to bring them along and trying to find common ground. Some of these lessons I'm going to have the opportunity to take with me for the rest of my life. Finally, I'd just like to say to the new leaders that will be coming forward after we're gone, remember that we only hold this office for a short period of time. We'll be gone and it will go like this, snap. Don't lose sight of the friendships. Don't lose sight of the opportunity to serve. We serve the people. We hold it for a snapshot in history. I'd also like to thank my wife, Nancy, who always seems to show up on the last night of session. I want to thank the people of my district who put their trust in me to serve them. It really has been an honor to stand here in this corner and serve with all of you. Thank you, Mr. President.

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

Senator **PLOWMAN**: Thank you Mr. President. Men and women of the Senate, I saved all my time from the last two days to speak tonight. I want thank the members of my caucus who, 17 months ago, on a very narrow vote, let's be real, made me a member of the leadership team. I promised that I would help with the rules and teach them decorum because I knew that I had tread as close to the line as anyone and that I would be able to make sure they knew where the line was. I started in the front corner as well. Senator Davis thought it was pretty funny. He said, "I put you between Senator Courtney and Senator Raye. Good luck." He had no idea how much fun we were going to have and how much we would learn from each other. He had no idea the bond that we would create there and the sense of loyalty that has gone on to define my life in the last eight years. I never realized what the word loyalty meant until I worked with these two guys. Now, when I give my loyalty, it means that's it's loyalty for life. I've enjoyed working with the caucus and they've seen me at my best and my worst. We try to keep the worst behind the closed door, but I have, hopefully, added something to the discussion. What I would like to say tonight is that I cannot believe how many people, on both sides of the aisle, I have grown close to for various reasons. You know that you are that close when something good happens for them and you want to wish them the very best, and when something that hurts them hurts you and you feel it, you know that you have bonded with people. The day we heard about Senator Goodall's wife I was just shaking to the core. There were many prayers that went out for you and many prayers for your baby. That's not an opponent, that's not a colleague, that's not how you think, that's a friend. We've watched people grow. This guy couldn't talk without giggling when he first got here. I used to say to him, "Please don't do that." Look how he's

done. He's sort of become my brother too, in case anyone hasn't noticed. I was thrilled to death when Roger Katz said that he would run. I met him in a very brief moment when he came here to council a member of the legislature who had really been harmed in a physiological psychological way in a very unfortunate incident. I had never met Roger before. He grew nine times in my estimation for the ten minute visit to council a member of the legislature. Garrett Mason, I made fun of him for being so young and so techy. You know what? He's not that young, but he sure is techy. Richard Rosen, if you could see me laughing over here it's because of his wit and humor. Sometimes Roger Sherman agrees with me, sometimes he doesn't. You know what? I always know. I could go through the whole list.

I started in the 116th Legislature. There was something to be said for going home for four years and coming back fresh. I also learned by becoming a Senator that people don't really want to know everything you are thinking. They don't really want to know the whole story because they might know it already. They might just want you to briefly state the position only once and sit down. I've tried to adhere to that for the last two years and I think I've done pretty well, but I have to say before than maybe not so much. The red book might reflect that. I have greatly enjoyed the role that I was given and I have to say that going out as a member of the Majority sure did make this end well. Thank you for the use of the office. Hopefully everyone else who got to use it appreciated it as much as I did. I've got to tell you, when I walked in the first day and Jon came and said, "That lamp matches mine. Can I have it?" I said, "Go ahead, because I've got a desk, a computer, and the two flags behind me and I've just been hired to help turn this state around. I don't need the lamp. I don't need anything that matches. I just want to do what I've been asked to do." Jon told me to keep the lamp. He thought it was some kind of sob story I guess. I have been proud to have done part of that with the team that we put together and the team that worked with us. I appreciate all of them. Stan, whoever knew we would ever talk. Who knew? That first day I tried to emasculate you. We still became friends. You are lucky that Senator Diamond was helping you that day. Thank you, Mr. President. It's been a joy to work with you. Twenty-five years we've known each other and worked with each other. It's amazing. I wish you well, lots of well, and to all of you as well.

Everyone that is going onto do different things, Jon's right, we're only a snapshot. In ten years people will look at you and say, "Really? I don't remember you ever being here." All you are going to be able to do is take with you a sense of accomplishment, because we really are just filling the seats. When you fill the seat with honor, and you pass it on to the next Legislature by virtue of working with the new people that are here, you perpetuate what was started generations ago. We still do some of the same things and we should continue to do some of the same things the same way because there is a sense of honor in what we do. We should remember that everyday that we are here and we should ask the people that come behind us to do that same thing. That's our duty. That is our real duty, to pass on the respect for this institution. By virtue of respecting the institution, we have to respect each other. I want to thank you all for what I've received here. I hope that you go away with the same kind of feeling tonight. Thank you.

The following proceedings were conducted after 12:01a.m., Thursday, May 17, 2012.

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

Senator **ALFOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, it's great to stand up as the final and fifth member of the leadership team. I want to start off by thanking my caucus. I think when I came here in the 124th a lot of people had a lot of questions about who this Justin Alfond was. I hope during the first two years of absorbing everything I showed something. Then it was just a real thrill when, coming back in the 125th and not being in the Majority, my caucus members had the faith in me to stand as one of their leaders. I can't thank each one of you enough for your support, for your guidance, for your help, and for all the things that you taught me about myself over the past couple of years. To those of you in the Majority Party, Mr. President, I request a roll call. I'm sure that statement has probably got underneath the skin of all of you. I've got to tell you, sometimes it wasn't even me, but I was just the messenger, the vehicle, to deliver that wonderful statement. I want to thank all of you for the smiles, and sometimes not smiles. It was a pleasure working with all of you, especially Senator Langley who, for two years, was a real pleasure working on the Education Committee together. One thing that I learned, and maybe those of you listening or maybe those coming to future Legislatures, is you would try not to serve on a committee and be in leadership. Not a good thing to be doing. It was a pleasure working with Senator Langley because he knew when I wasn't going to be there, I felt like the ship, the Education Committee, was going to be sailed very, very smartly. I appreciate all the work that we did together. For all of you being termed out, term limits, to me, never really made sense because I look at all of the experience in this room and think about 11 of you not being here next session, maybe even 12. That's saddens me because I think the institution loses a lot. Maybe some of you wanted to leave, but I think for some of you being termed out is not your decision and I think it really hurts this institution. We all play by the rules. We know that you all will be leaving. I just really appreciate, again on both sides of the aisle, all of you who have spent so much time in these seats, so much more time than I have, and what you've brought to the discussions, what you've brought to the state, your different values, your different perspectives, and it has just been a real pleasure. The state is losing a lot tonight with all of you leaving. I want to thank the leadership team for the experiences we've had. They've been comical. They've been hard. They've been truthful. Sometimes a little aggressive. Sometimes real friendly. I think at the end of the day we always could look in each other's eyes and say that we were trying to do the best, representing our caucuses, representing the state of Maine, and always being loyal to that but respectful to each other. I can't thank you all enough. To all of the folks here in the Chamber working as staff, thank you all. What you do everyday; I don't think any of us can really appreciate. You always are here with smiles. You welcome us in. You keep this place in such good working order. It's really just a pleasure to come in every day knowing that we don't have to worry about anything. You take care of everything, so thank you all for your work. For the Republican staff, thank you all. As a kind of funny note, I think I almost ran over one of you at one

point in time with my bad driving. I was lectured about making sure that I shouldn't be on the phone and texting. No, I wasn't texting. I didn't do that. I was definitely lectured by many people about my driving skill. Those are the Boston pieces of me. I spent a couple of years there, driving like a reckless person. Anyway, thank you all on the Republican staff for doing what you do so well and for our staff on the Democratic staff. Ted, Ericka, Mike, Darek, and Dan. Again, I don't know what it must feel like every day to come in and trying to deal with 15 of us who ask you to do everything and anything under the sun. You always try to do it so well and you do it with professionalism. It is just remarkable how you can juggle all of us and all of our crazy things that we bring to the table and do it with a smile. I will end by saying, especially for being the only person in leadership that has the potential of coming back, don't let the door hit you on the way out and thank you very much. Bye, bye.

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

Senator **SCHNEIDER**: Thank you Mr. President. Men and women of the Senate, I also have a lot of thank you to go through. Of course, thank you to everybody who makes this place function so well; staff on both sides of the aisle, the non-partisan staff. You do a tremendous job and I thank you so very much. You go and do your work quietly and you help us all along the way. We know that you are behind us all the way. It's so much appreciated. I never expected to be a State Senator. I never aspired to be a State Senator. What I take away from here is not only the friendships that I've built and not so much the policy even. What I'll remember about what I've done here, the work that I've done, is the advocacy and the change that I hope I've made for citizens and their knowledge that I would be their voice for them and I that would advocate for them and go to the very end of the earth for them. That's how I feel for this family that we have here under the Dome. People come and go but they still are family. Yes, we may be one very dysfunctional family, but we are a family in a way that I don't think most people will ever have the privilege of really understanding what that is about. I'm really grateful that I've been able to build these friendships with all of you, on both sides of the aisle. We don't take enough time some times, I don't think, to socialize with one another. We should take more time because it really makes a difference in our ability to work together, collaboratively. I know that sometimes, probably not very often, I infuriate people because I am so passionate about what I do. What I really respect is that there is equal passion in this Body from both sides of the aisle. I know what gives me a great deal of pleasure, for example, is when I get to work across the aisle with, for example, Senator Plowman. When we get to team up and work on a bill together, that's just a tremendous amount of fun. Those times are the times that I'm going to treasure a great deal. What Jon didn't tell you about us being seatmates together on BRED was that we used to drive Lynn Bromley crazy because we had way too much fun together. Those are the kinds of things that, when you are able to work together collaboratively like that, those relationships are treasures that you take with you. I know I'll carry them throughout my life. Senator Hobbins I've known for years before I got here and we've had a great friendship. I know that that will continue on throughout our lives. Those bonds don't get broken no matter

what. Just as we care about Seth's family, we care about each other's families. I know just as we honored Senator Devoe, we'll all be there for one another when we need each other. That's a good feeling, to know that. Senator Raye, what can I say? I feel very fortunate, not only when in the Minority but when we were in the Majority. The respect I've had for you; your eloquence, and your class was always really something that I respected and will always remember. I appreciate so much how we've been treated and your willingness to let me say the prayer. Thank you. It's really meant a great deal to me. Senator Alford, you've really pulled more than your oar. You've done a tremendous amount of growth since you've been here. I just really respect you for what you've been able to accomplish here. It's amazing, what you've done. Senator Diamond, you have such wisdom and you are a tremendous friend. I can't say enough about our friendship and what it means to me to have you be there. You just have such experience and an ability to really be calm and work across the aisle. It's really astounding and I appreciate it very much. My seatmates; Senator Gerzofsky, Senator Craven and, of course, Senator Goodall. You build such incredible friendships with people who you get to sit next to, whether it's in committee or here in the Chamber. I know you all know what I'm talking about. It's just really tremendous. Senator Rector, you are really a tribute to the people you work with. Again, you have such eloquence, class, and dignity. I remember thinking that it was possible that you would be in the Majority and I thought what an excellent Chair you would make. Of all the things that happened, probably I was most disappointed in the elimination of the BRED Committee because I had anticipated serving with you on that committee and looked forward to it. You've done an amazing job on that very difficult committee and I really appreciate it. Along with Senator Jackson, both of you have, I know, worked really well together. I'm very grateful for that. I don't want to leave out any of my colleagues. I know that Senator Sullivan and I have developed a great relationship and it's been very meaningful to me. I appreciate her friendship as well. Her passion and her caring. I know the people of her district appreciate that and so do I. All of you here under the Dome, I feel it's a real privilege to have served with every single one of you. I know I particularly like to thank the people in the Appropriations Committee because I know how unbelievably hard that work is and the long hours that they spend. They come to our caucuses and we all beat up on them often. That's not always fun for them. We're all trying to make our way and understand and get a grip on what these decisions are, which are big. Though they are a snapshot in time, they do matter and they do make a difference. Senator Brannigan I know just got up. He has a way of leaving just at the right time. I did want to tell you about a funny story that had to do with Senator Brannigan. I'll tell it anyways. You can share it with him later. I remember when we were fighting about a bill. It had to do with a referral of a bill. It was a bill about calories on the menus. I was not happy about the fact that it was going to be sent to a different committee than my own. I was fighting for it. He and I, we were the two Chairs on the committee. The two of us weren't fighting about it at all. It was really quiet in here. He came into the Senate Chamber, and I was sitting at my desk all alone. He said, "Senator Schneider, they've got my "blank" in a vise." You can fill that in how you want. "They are going to make me fight you on this bill." They wanted it to go to his committee instead of my committee. I said, "You know what, Joe? When you go back in our caucus if you would just say that I'll be okay with it." He did. To me that just sums up what I guess I value

probably most of all. We know we're going to have differences of opinions. Being honest with each other is, to me, one of my most important values. Why I am telling you this, for those of you who are going to continue on, is that I hope you will remember that and that you will keep that in mind when you are dealing with each other. You never know when the tides will change, so treat each other the way you always want to be treated, with that same level of respect and caring. Just acknowledge that you're going to have differences of opinions, but that's okay. What is important is that you let that go at the end of the day and that you are just good people, all trying to do good work. I really believe that that is what we all are here under the Dome, good people trying to do good work because we care about our great state. Thank you very much. It's been an honor.

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

Senator **ROSEN**: Thank you Mr. President. This is my seventh consecutive term as a member of the Maine Legislature; the first six as a member of Minority Party. Slow learner. Last December, December 2010, on swearing in day I came into the building and I really hadn't realized the world had turned upside down until I saw Senator Diamond wandering around downstairs. Bill's been a veteran and had a couple of tours of duty in this legislative work. He's wandering around looking for his office and wants to know where to hang his coat. We bumped into each other and said, "Where's my office?" I said, "Oh, let me show you. It's this room over here right next to Taxation." We went in and he said, "Wow, I've never been in here before." He opened up one of the doors and he said, "What are all these little doors?" I said, "These are lockers." He said, "I never knew they were here." I had to opportunity to serve as a member of the Appropriations Committee under three different Governors; an Unenrolled Independent, a Democrat, and a Republican. I learned one truism, each and every one of them has come to believe that this other co-equal branch of the government is completely unnecessary and it just gets in the way. That I have learned is a universal truth, regardless of party affiliation on either end. Finally, the only other thing I would mention is that at the beginning of the 125th there were a few false starts in terms of the management from the new members of the Minority. I think I mentioned that you guys really stink at this Minority thing, but you've come a long ways. You've done well. Thank you. It has been a privilege and an honor to serve with all of you. Thank you.

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

Senator **DIAMOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, I won't take long, but the trouble is with having ten people termed out you have to listen to a lot of speeches. I do want to comment to Senator Rosen, who served on Appropriations all these years. When you are on Appropriations sometimes you feel like pulling your hair out. Of course Senator Rosen actually did. He's the only one that actually did pull his hair out through all those years. He's a

gentleman and I've really enjoyed serving with him on the committee as part of the Minority. Senator Courtney has left, which is probably appropriate. I read where he's running for Congress. The newspaper said that he said that he was a long shot. A long shot, of course, is somebody that is hit by lightning, bitten by a bear, and wins a Powerball all in one day. I would say to Jon, keep up the good work. I'm sure you're going to win. Barry Hobbins, of course, I'm really going to miss Barry because I love those stories about 1957. I've been here as long as he has. I don't remember any of those people. You can start off with a question about what's happening today and it immediately goes to Louis Jalbert from Lewiston back in 1907. After 57 years in the Maine Legislature, Barry, good luck, I'm going to miss you. He's a walking historical society. There's no question. Senator Schneider, thank you for those nice words, Senator Schneider. She's a living dichotomy. I'm going to miss that, of course. We all remember when she was jumping up and down, screaming at the President, trying to get his attention a little while ago. She was muttering some Parliamentary procedure that meant nothing and storming out of here saying all kinds of BS words of how she described the place. Then, of course, she's the gentle lady that gives us all the birthday cards. Thank God, no more birthday cards. She gives us the birthday cards and the cake and these wonderful notes. She's just delightful. We're really going to miss seeing Schneider here because she really is a wonderful person. Senator Plowman, of course, now Senator Plowman is a very nice lady. I know she's been accused of being bossy, pushy, and vindictive. She's just the opposite, Mr. President. She's vindictive, pushy, and bossy. Senator Bartlett is, as you know, what did he say? Immaculate, articulate, smart, handsome, and a good leader. I missed the rest of the things you gave me to say. He's all of those. I'm going to miss him. President Raye, of course, is running for Congress too. If by the wildest of chances he loses, there are many more things President Raye can do. I'm sure there are many more things, Mr. President, that you can do. Senator Hastings, he showed just yesterday that he's not just a pretty face when it comes to the Errors and Inconsistencies Bill. We saw the passion. He was into that. He kept us on the edge of our seats. He just really was right there. As Senator Hobbins said, he might even be a Supreme Court Justice some day. That's a good one, Senator Hobbins. My seatmate, Joe Brannigan, is not termed but he is leaving. Sitting beside Senator Brannigan is like sitting in a nursing home. He will blurt these things out, loud enough for the President to hear and makes no sense. We're kind of shaking our heads. Phil Bartlett is very proper, of course, and he's just turning red and being embarrassed. That's the joy of sitting beside Senator Brannigan. It's like a preview of where we're all going to be some day. Senator Sullivan, my other seatmate, she's the round-faced little person we all like. She reminds us of that little cartoon character that carried around the birdcage with Tweety in it. She thinks she gives us the impression that she's a nice lady, which she is most of the time, but she gets very angry at times. She sits here and she starts talking in tongues, saying things that I've never heard before. Mr. President, she actually scares me. I'm going to miss all of you and all of them. Thank you very much for your time.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

HELD MATTER

An Act To Amend Education Laws

H.P. 1284 L.D. 1742
(C "A" H-757)

(In House, March 19, 2012, **PASSED TO BE ENACTED.**)

(In Senate, May 16, 2012, on motion by Senator **ROSEN** of Hancock, **RULES SUSPENDED. RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757)**, in concurrence. On further motion by same Senator, **RULES SUSPENDED. RECONSIDERED ADOPTION** Committee Amendment "A" (H-757), in concurrence. On further motion by same Senator, Senate Amendment "A" (S-602) to Committee Amendment "A" (H-757) **READ and ADOPTED.** Committee Amendment "A" (H-757) as Amended by Senate Amendment "A" (S-602) thereto, **ADOPTED**, in **NON-CONCURRENCE. PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757) AS AMENDED BY SENATE AMENDMENT "A" (S-602)** thereto, in **NON-CONCURRENCE.**)

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

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

H.P. 572 L.D. 765
(S "A" S-595 to C "B" H-737)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act To Revise the Target Prices for the Dairy Stabilization Program

H.P. 1409 L.D. 1905
(S "A" S-535; S "A" S-607
to S "B" S-546)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Mandate

An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics

S.P. 654 L.D. 1873
(S "A" S-606)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Mandate

An Act To Prohibit Bullying and Cyberbullying in Schools

H.P. 928 L.D. 1237
(S "A" S-598 to C "B" H-745)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with 2 Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Mandate

An Act To Amend the Laws Governing Freedom of Access

S.P. 456 L.D. 1465
(S "A" S-599 to C "A" S-514)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Mandate

An Act To Adopt the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes

H.P. 1263 L.D. 1711
(C "A" H-890; S "A" S-600)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Mandate

An Act To Update the Career and Technical Education Laws

S.P. 616 L.D. 1779
(S "A" S-604 to C "A" S-416)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Mandate

An Act To Enhance Career and Technical Education

S.P. 650 L.D. 1865
(H "A" H-896; S "B" S-605
to C "A" S-518; S "A" S-530)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Acts

An Act To Provide Funding for the Fish Stocking Program
S.P. 64 L.D. 213
(S "A" S-592 to C "B" S-372)

An Act To Reduce Deer Predation
H.P. 298 L.D. 372
(S "A" S-609 to C "C" H-769)

An Act To Expand the Capacity of York County Community College
H.P. 457 L.D. 627
(S "A" S-594 to C "A" H-699)

An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes
S.P. 252 L.D. 849
(S "C" S-443; S "F" S-596 to C "C" S-427)

An Act Regarding the Distribution and Sale of Spirits
H.P. 664 L.D. 905
(S "A" S-597 to C "A" H-915)

An Act To Restructure the National Board Certification Program for Teachers
S.P. 618 L.D. 1781
(S "A" S-610 to C "A" S-488)

An Act To Reform Land Use Planning in the Unorganized Territory
H.P. 1325 L.D. 1798
(S "A" S-611 to C "A" H-918)

An Act To Revise the Laws Regarding the Fund for a Healthy Maine
S.P. 661 L.D. 1884
(S "A" S-612)

An Act To Strengthen the State's Ability To Investigate and Prosecute Misuse of Public Benefits
S.P. 665 L.D. 1888
(S "A" S-608 to C "A" S-542)

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

Ordered sent down forthwith.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

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:

Emergency Measure

An Act To Create the Maine Board of Tax Appeals
H.P. 1291 L.D. 1750
(S "A" S-603 to C "A" H-860)

The Senator from Sagadahoc, Senator **GOODALL**, requested and received leave of the Senate to be excused from voting pursuant to Senate Rule 401.3.

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Act

An Act To Combat Human Sex Trafficking
S.P. 591 L.D. 1731
(S "A" S-601 to C "A" S-502)

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:

Mandate

An Act To Amend Education Laws

H.P. 1284 L.D. 1742
(S "A" S-602 to C "A" H-757)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

ORDERS

Joint Order

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

S.P. 689

ORDERED, the House concurring, that when the House and Senate adjourn they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct business.

READ and PASSED.

Ordered sent down forthwith for concurrence.

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, until the call of the President of the Senate.