

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Sixth Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 5, 2012

beginning at Page 1

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

In Senate Chamber
Wednesday
June 26, 2013

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

Prayer by Senator Colleen M. Lachowicz of Kennebec County.

SENATOR LACHOWICZ: Good morning. The universe is vast, full of wonder, and, yes, grace. In our work here I am reminded of a parable I learned in childhood and one that guides me always.

For I was hungry and You gave me food to eat. I was thirsty and You gave me drink. I was a stranger and You took me in. I was naked and You clothed me. I was sick and You visited me. I was in prison and You came to me. Then the righteous will answer Him saying "Lord, when did we see You hungry and feed You, or thirsty and give You a drink? When did we see You as a stranger and take You in, or naked and clothe You? When did we see You sick or in prison and come to You?" The King will answer them, "Most certainly I tell you in as much as you did to one of the least of these, my brothers, you did it to me; for I was hungry and you didn't give me food to eat, I was thirsty and you gave me no drink, I was a stranger and you didn't take me in, naked and you didn't clothe me, sick and in prison and you didn't visit me." Then they will also answer saying, "Lord, when did we see You hungry or thirsty or a stranger or naked or sick or in prison and didn't help You?" Then He will answer them saying, "Most certainly I tell you in as much as you didn't do it to one of the least of these you didn't do it to me."

Let's walk in grace and wonder today. Thank you.

Pledge of Allegiance led by Senator Michael D. Thibodeau of
Waldo County.

Reading of the Journal of Wednesday, June 19, 2013.

Doctor of the day, Robert Chagrasulis, MD of Calais.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Restore Uniformity to the Maine Uniform Building and Energy Code"

H.P. 691 L.D. 977

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-555)** (9 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-556)** (3 members)

Report "C" - **Ought Not to Pass** (1 member)

In House, June 19, 2013, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-555) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-555)**.

In Senate, June 19, 2013, Reports **READ**. Motion by Senator **PATRICK** of Oxford to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-555) FAILED**. Motion by same Senator to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-556) FAILED**. Subsequently, Report "C", **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

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

Joint Order

The following Joint Order:

H.P. 1136

ORDERED, the Senate concurring, that, notwithstanding Joint Rule 353, the Maine Health Exchange Advisory Committee, referred to in this order as "the advisory committee," is established to advise the Legislature regarding the interests of individuals and employers with respect to any health benefit exchange, referred to in this order as "the exchange," that may be created for this State pursuant to the federal Patient Protection and Affordable Care Act.

1. Appointment; composition. The advisory committee consists of members appointed as follows:

A. The following 5 members of the Legislature, of whom 3 members must serve on the Joint Standing Committee on Insurance and Financial Services and 2 members must serve on the Joint Standing Committee on Health and Human Services or

the Joint Standing Committee on Appropriations and Financial Affairs:

Two members of the Senate, appointed by the President of the Senate, including one member recommended by the Senate Minority Leader; and

Three members of the House of Representatives, appointed by the Speaker of the House, including one member recommended by the House Minority Leader;

B. Two persons representing health insurance carriers, one of whom is appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives;

C. One person representing dental insurance carriers, appointed by the Speaker of the House of Representatives;

D. One person representing insurance producers, appointed by the President of the Senate;

E. One person representing Medicaid recipients, appointed by the Speaker of the House of Representatives;

F. Two persons representing health care providers and health care facilities, including one member representing federally qualified health centers, appointed by the Speaker of the House of Representatives;

G. One person who is an advocate for enrolling hard-to-reach populations, including individuals with mental health or substance abuse disorders, appointed by the President of the Senate;

H. One member representing a federally recognized Indian tribe, appointed by the President of the Senate; and

I. Four members representing individuals and small businesses, including:

One person, appointed by the President of the Senate, who can reasonably be expected to purchase individual coverage through an exchange with the assistance of a premium tax credit and who can reasonably be expected to represent the interests of consumers purchasing individual coverage through the exchange;

One person, appointed by the Speaker of the House of Representatives, representing an employer that can reasonably be expected to purchase group coverage through an exchange and who can reasonably be expected to represent the interests of such employers;

One person, appointed by the President of the Senate, representing navigators or entities likely to be licensed as navigators; and

One person, appointed by the Speaker of the House of Representatives, employed by an employer that can reasonably be expected to purchase group coverage through an exchange and who can reasonably be expected to represent the interests of such employees.

The President of the Senate and the Speaker of the House of Representatives shall invite the Superintendent of Insurance, or the superintendent's designee, and the Commissioner of Health and Human Services, or the commissioner's designee, to participate as ex officio nonvoting members.

2. Chairs. The first-named Senator is the Senate chair of the advisory committee and the first-named member of the House of Representatives is the House chair of the advisory committee.

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

4. Duties. The advisory committee shall:

A. Advise the Legislature regarding the interests of individuals and employers with respect to any exchange that may be created for this State;

B. Serve as a liaison between any exchange and individuals and small businesses enrolled in the exchange;

C. Evaluate the implementation and operation of any exchange with respect to the following:

The essential health benefits benchmark plan designated in this State under the federal Patient Protection and Affordable Care Act, including whether the State should change its designation;

The impact of federal and state laws and regulations governing the health insurance rating for tobacco use and coverage for wellness programs and smoking cessation programs on accessibility and affordability of health insurance;

The consumer outreach and enrollment conducted by the exchange and whether the navigator program is effective and whether navigators or other persons providing assistance to consumers are in compliance with any federal or state certification and training requirements;

The coordination between the state Medicaid program and the exchange;

Whether health insurance coverage through the exchange is affordable for individuals and small businesses, including whether individual subsidies are adequate;

Whether the exchange is effective in providing access to health insurance coverage for small businesses;

The implementation of rebates under the federal Patient Protection and Affordable Care Act and the Maine Revised Statutes, Title 24-A, section 4319; and

The coordination of plan management activities between the Department of Professional and Financial Regulation, Bureau of Insurance and the exchange, including the certification of qualified health plans and rate review;

D. Following the release of guidance or regulations from the federal Centers for Medicare and Medicaid Services addressing the basic health program option, as set forth in Section 1331 of the federal Patient Protection and Affordable Care Act, conduct a study, and make recommendations as appropriate, that examines the potential for establishing a basic health program for eligible individuals in order to ensure continuity of care and that families previously enrolled in Medicaid remain in the same plan. In conducting the study, the advisory committee shall consider the affordability of coverage for low-income populations, the potential cost savings to the state Medicaid program, the systems needed to create a seamless transition between a basic health program and Medicaid coverage, the impact of a basic health program on the negotiation of rates or receipt of rebates and the cost-effectiveness of delivering coverage through a basic health program; and

E. Based on the evaluations conducted by the advisory committee pursuant to this order, make recommendations for any changes in policy or law that would improve the operation of an exchange for consumers and small businesses in the State.

5. Compensation. Except for members of the advisory committee who are Legislators, members serve as volunteers and without compensation or reimbursement for expenses. Members who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel for attendance at meetings of the advisory committee.

6. Quorum. A quorum is a majority of the members of the advisory committee.

7. Meetings. The advisory committee shall meet at least 4 times a year at regular intervals and may meet at other times at the call of the chairs. Meetings of the advisory committee are public proceedings as provided by the Maine Revised Statutes, Title 1, chapter 13, subchapter 1.

8. Records. Except for information designated as confidential under federal or state law, information obtained by the advisory committee is a public record as provided by the Maine Revised Statutes, Title 1, chapter 13, subchapter 1.

9. Staffing. The Legislative Council shall provide staff support for the operation of the advisory committee, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session or for more than 4 meetings annually between regular or special sessions of the Legislature. In addition, the advisory committee may contract for administrative, professional and clerical services if funding permits.

10. Funding for advisory committee activities. The advisory committee may accept from the Department of Professional and Financial Regulation, Bureau of Insurance and the Department of

Health and Human Services any grant funding made available to the State for exchange implementation and plan management activities that is received by those state agencies. The advisory committee may apply for and receive funds, grants or contracts from public and private sources to support its activities. Contributions to support the work of the advisory committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution shall certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the advisory committee's activities. Such a certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the advisory committee.

11. Reports. The advisory committee shall submit to the Joint Standing Committee on Insurance and Financial Services a preliminary report on its activities no later than December 16, 2013. The advisory committee shall submit to the Joint Standing Committee on Insurance and Financial Services a final report on its activities no later than November 30, 2014, and shall include in its report a review and evaluation of the continued necessity of a state health exchange advisory committee, including the staffing and funding needs of such an advisory committee, recommendations as to whether such an advisory committee should be established by the 127th Legislature and whether any changes should be made to the Maine Revised Statutes governing such an advisory committee.

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

READ and **PASSED**, in concurrence.

(See action later today.)

COMMUNICATIONS

The Following Communication: S.C. 497

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

June 20, 2013

The Honorable Justin L. Alford
President of the Senate of Maine
126th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Charles P. Pray of Millinocket, for appointment to the Land Use Planning Commission.

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

YEAS	Senators	3	Jackson of Aroostook, Boyle of Cumberland, Sherman of Aroostook
	Representatives	8	Dill of Old Town, Black of Wilton, Cray of Palmyra, Hickman of Winthrop, Jones of Freedom, Marean of Hollis, Noon of Sanford, Saucier of Presque Isle
NAYS		0	
ABSENT		2	Rep. Kent of Woolwich, Rep. Timberlake of Turner

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Charles P. Pray of Millinocket, for appointment to the Land Use Planning Commission be confirmed.

Signed,

S/Troy D. Jackson
Senate Chair

S/James F. Dill
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#338)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Charles P. Pray** of Millinocket for appointment to the Land Use Planning Commission was **CONFIRMED**.

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

The Following Communication: S.C. 498

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

24 June 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 434, "Resolve, Regarding Safer Workplaces for Home Care and Home Health Workers."

This is yet another Resolve directing two state agencies to do a significant amount of work "within existing resources." The language of the bill requires the Department of Labor and Department of Health and Human Services to pull together a large working group to look at workplace issues related to home health care. Much of that work has already been done at the federal level, and the various advocacy organizations supporting this bill could explore its objectives without tying up state resources through force of law.

As I have written before, these studies are vetted and sent to my desk in a vacuum. Each one may be able to be completed "within existing resources," but there are cumulative effects, especially when the report due dates all arrive near the same time. When legislative staff is being utilized, these studies are parked on a special table to be dealt with in a comprehensive manner. This recognizes that resources are limited and we do a disservice to each issue when we spread those resources too

thin. My vetoes are merely a recognition that the same issues occur in the executive branch of government.

For these reasons, I return LD 434 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Provide a Safe Working Environment for Home Care Workers

S.P. 166 L.D. 434

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

Senator **Craven:** Thank you Mr. President. Men and women of the Senate, I can't say how disappointed I am that this tiny bill that is so important to so many people got vetoed. Home care workers are a critical component of our healthcare system. Without them we would have to rely much more on expensive institutional care and the people receiving this care would have to leave their homes. We truly need them to make our system work. It can be a personally rewarding job, but it can also be a dangerous one. Home care workers are going into homes of strangers, generally alone, not knowing what they will find there. We have a registry of home care workers to protect the safety of the person receiving the care and this registry functions well. What I proposed in this bill was that it would protect workers as well. I got the idea for the bill from a constituent who is, or rather was, a home care worker. She was raped and beaten by a person who she was caring for. She was traumatized by the event and she now suffers PTSD. She was approximately 60 years old, and so it's not like somebody's 20 years old and can bounce back from such a traumatic event. What is particularly sad about the case is that it was preventable. This person that she was caring for had a record and she could have been informed about that, about his criminal record. That would have made her at least be aware, or be on alert for something happening instead of her being relaxed and just doing housework in the house. This bill has no fiscal note. The Department of Health and Human Services, as well as the Department of Labor, agreed that something had to be done and that it was a good idea to have safety measures, policies and procedures, put in place by agencies that provided those services. The Department of Labor and the Department of Health and Human Services agreed to get together with providers and it was decided that they would create these policies and procedures that would keep people safe. You walk into a house, you have no idea where you're going. There are loaded weapons all over the house. That's fine for the culture of the people that live there, but for workers going into a house they have no idea what the risk might be to them. They have animals that may not be welcoming to strangers that are not curtailed or set aside. Many, many of the workers get bitten by the animals. That's really not a welcoming situation. As well as items like members that are not friendly to the workers; that may

not be the person that is being served directly. We've had many, many calls about sons or daughters living in the trailer next door coming over, being threatening for a stranger coming into that home to provide care. Again, all of the providers that came to the public hearing agreed that this was a great idea. They all decided to work together. There is no fiscal note on it. I am just amazed that people don't want our workers to be safe and to feel that their employers care about them. I would ask for your support in overriding this veto. Thank you very much, Mr. President.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#339)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 20 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

The Following Communication: S.C. 499

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

24 June 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1128, "An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools."

This bill is part of a coordinated effort to prevent the establishment of public charter schools in Maine and roll back the reforms of the 125th Legislature. Asking for special, nonbinding advisory votes from those individuals who are part of the local educational establishment will do little more than confirm the bias of the status quo. Our efforts should be focused on giving students options, not adding more road blocks to their success. Quite frankly, we need to put students first.

For these reasons, I return LD 1128 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Provide for Greater Public Input and Local Control in the Chartering of Public Schools

S.P. 389 L.D. 1128

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

Senator **MILLETT:** Thank you Mr. President. Members of the Senate, I rise today to urge my colleagues to join me in overriding the Governor's veto. This bill simply is about information and transparency in allowing for local input, which I believe we all support and would like to encourage throughout the state of Maine. It does not put any roadblocks in the middle of the process of authorizing the chartering of schools. It just is an opportunity to make sure that community members are informed of the potential creation of the charter school, allow them an opportunity to learn about those schools, to provide input, and to allow the education leaders in that community to also have a chance to discuss and learn more about it. Again, this is really about transparency and local input and I hope that you will join me overturning the veto.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#340)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 20 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

The Following Communication: S.C. 500

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

21 June 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1023, "An Act To Provide Transparency in Fund-raising by and Lobbying of a Governor-elect."

When I was elected Governor, I released the names of all donors to my transition team. It was the right thing to do – I did not need a law to tell me that. However, when the Maine people decide to elect a Governor, they express their confidence in that individual's integrity and decision-making. Passing laws to immediately question that integrity disrespects the decision made at the ballot box, regardless of the political party of the Governor-elect.

Additionally, private funding is necessary during the two months leading up to the inauguration. Building an administration from scratch requires office space, technology, staff, and other costs. Taxpayers provide only \$5,000 for those two months and oftentimes additional money is needed. While this bill may never have any impact on me, it goes a step too far. When Maine voters speak at the ballot box, their newly-elected officials should be trusted to do the right thing.

For these reasons, I return LD 1023 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Provide Transparency in Fund-raising by and Lobbying of a Governor-elect

S.P. 347 L.D. 1023

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I would hope that we would vote yes to overturn the Governor's veto. I believe this was a unanimous report of the Committee of Veterans and Legal Affairs. The bill essentially authorizes the Governor-elect to establish a committee for the purpose of soliciting and accepting donations to finance inaugural activities of the Governor-elect's transition into office. I think this proposal is consistent with the objectives of campaign finance law and the lobbyist disclosure law. Presently eight other states have separate disclosure requirements for funds used to cover transition costs or during an inauguration. This requirement seeks to provide for transparency while keeping the reporting requirement reasonable. Fund raising by elected officials should be conducted in the full light of day, including a new Governor-elect. This should not be discretionary but mandatory if there is transition fund raising. The bill would include any person, candidate, or elected official if funds are raised and the bill would also require that reporting of expenditures so the public can know how the money is spent. As I mentioned before, this is a bill that was presented to us from the Commission on Governmental Ethics and Election Practices. I would hope that we would vote to override the veto. Thank you, Mr. President.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#341)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT,

PATRICK, TUTTLE, VALENTINO, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 21 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

The Following Communication: S.C. 501

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

21 June 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1306, "An Act To Enhance Voter Registration for Persons with Disabilities."

The title of this bill would lead one to believe it is about supporting individuals with disabilities. However, it is much broader than that, requiring all State welfare agencies to provide voter registration services. Even if some of the agencies specified in this bill already provide access to voter registration cards, this bill moves in the wrong direction by adding more burdens and more services when we should be working to increase efficiency and streamline delivery.

The simple fact is that same-day voter registration is available when legal voters arrive at the polls. There does not appear to be a pressing need for this added layer of government. It is not something I can support, especially as the substance of the bill goes far beyond its title.

For these reasons, I return LD 1306 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Enhance Voter Registration for Persons with Disabilities

S.P. 449 L.D. 1306

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 stand here today to urge you all to override the veto on this bill. L.D. 1306, "An Act to Enhance Voter Registration for Persons with Disabilities." It's really not an enhancement, ladies and gentlemen. It's not an expansion. What this bill actually does is put Maine law, the verbiage in Maine law, consistent, or the same, with federal law and nothing more. It's not an enhancement. I think under the National Voter Registration Act of 1993, this is actually prescribed within it. We've got to bring our laws in compliance. So often with tax reform and tax compliance measures we always look to try to get conformity with the federal law. Well this is one within the election system that, I think, is needed and it will bring us into compliance. I would ask your support on this issue. Thank you.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#342)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 21 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

The Following Communication: S.C. 502

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

21 June 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1331, "An Act To Amend the Law Pertaining to Defective or Unreasonably Dangerous Implantable Medical Devices and Pharmaceuticals."

The law this bill seeks to amend has been in effect since 1973 and a significant amount of case law has been developed. Maine courts already provide significant opportunity for suits to be brought in product liability cases and statutorily extending that period is unnecessary. Excessive tort claims are a problem in many states; passing this bill would create the possibility of similar problems in our state. Quite simply, I believe it is best for us to leave these questions to the courts at this time.

For these reasons, I return LD 1331 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Amend the Law Pertaining to Defective or Unreasonably Dangerous Implantable Medical Devices and Pharmaceuticals

S.P. 462 L.D. 1331

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#343)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 21 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

The Following Communication: S.C. 503

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

21 June 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1499, "Resolve, To Direct the Department of Economic and Community Development To Adopt Certain Eligibility Requirements Regarding Community Development Block Grants."

I understand some municipalities may not want to work together when applying for community development block grants. I also know that each community considers their projects to be of the highest importance. This bill was brought forward to address these perceived issues, rather than asking our smallest municipalities to work together.

However, taxpayer dollars are precious and each one must be spent wisely. Overriding the rulemaking of the Department of Economic and Community Development does not move Maine forward. Continuing to ignore fiscal realities and attempting to force DECD to throw good money after bad to hide the actual costs of municipal government does not serve Mainers well. It is time our towns started working together and reducing the cost of local government.

For these reasons, I return LD 1499 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Resolve:

Resolve, To Direct the Department of Economic and Community Development To Adopt Certain Eligibility Requirements Regarding Community Development Block Grants
S.P. 560 L.D. 1499

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to rise and say that I certainly think that this bill is going to be one that when we talk about effecting rural Maine this bill actually does it. If you remember back, this is the bill that would overturn the fact that communities under 3,000 couldn't apply for CBGD funding. Certainly the small towns in rural Maine aren't able to apply for those funds, those federal funds, any more. I understand it's the right of the Chief Executive to veto any bill, but the veto messages are sometimes what I have the harder time about. In this one it says, "Continuing to ignore fiscal realities and attempting to force DECD to throw good money after bad to hide the actual costs of municipal government does not serve Mainers well." I don't understand that argument. This is federal funds that come in. Communities apply for them. Their applications are scored and the higher scoring ones are going to get the funding. What this veto does is assure that small communities don't even have the opportunity to apply for the funding. I think that is disingenuous and unfair to a community, just because they happen to have a population under 3,000. We've been running down 21-14 vote totals here pretty consistently. I don't expect anything to change, but I do want to make sure that people understand that this is going to affect rural communities, which I've heard a lot of people argue against this session.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#344)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 20 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

ORDERS

Joint Order

On motion by Senator **VALENTINO** of York, the following Joint Order:
S.P. 610

ORDERED, the House concurring, that Bill, "An Act To Protect Cellular Telephone Privacy," S.P. 484, L.D. 1377, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and PASSED.

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit
H.P. 534 L.D. 783
(H "A" H-561 to C "A" H-552)

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

Act

An Act To Sustain Maine's Aviation Industry by Extending the Exemption from Sales and Use Tax for Aircraft and Parts
S.P. 112 L.D. 279
(C "A" S-55)

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **GOODALL** of Sagadahoc, the Senate **RECONSIDERED** whereby it **PASSED** the following:

JOINT ORDER - Regarding the Maine Health Exchange Advisory Committee
H.P. 1136

(In House, June 20, 2013, **READ** and **PASSED**.)

On further motion by same Senator, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE**, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: H.C. 234

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

June 24, 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1509, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2013, June 30, 2014 and June 30, 2015."

This veto is not one done lightly. When I submitted a balanced budget, I knew there would be areas of concern for many legislators. That is why we had nearly six months to work together and find a solution that would have made hard decisions while still protecting our most vulnerable. It was an opportunity for our State to do something great, to make real changes for the better. Unfortunately, it was an opportunity missed.

There are two groups harmed by this budget, the first being students. They are harmed by the education cuts forced through the process. This budget reduces funding for the Job's for Maine Graduates program. It reduces funding for our innovative programs, such as career and technical education and the Fund for the Efficient Delivery of Educational Services. These cuts were supposedly to help support General Purpose Aid for our schools – aid that I have significantly increased since I took office. But money alone will not fix education in Maine. We need to give our students options, to recognize that each student is an individual and each one learns differently. Throwing more money at administration and overhead merely continues the status quo.

The second group harmed in this budget is our elderly. Some have said that "no one cares" about rate increases in our meals, lodging, and sales taxes. That could not be more wrong. Retired mill workers living on fixed incomes, elderly widows collecting social security, and our veterans who receive nothing more than their military pension – each of them care about this tax increase. We are already one of the highest taxed states in the nation. We have some of the lowest per capita income in the country. Now is not the time to ask Mainers to give more to fund government. It is time for us to make hard decisions and make real, structural cuts.

There is so much we can do. Our overly generous welfare programs can be reformed, cutting waste, fraud, and abuse. We can rethink our subsidies to cities and towns – Lewiston and Auburn are already doing much together and could do more. I have told everyone where the efficiencies lie in Waterville, Winslow, Oakland, and Fairfield. And often we forget that our counties can be partners to increase efficiencies and reduce cost

in local government. But we need to start somewhere, and that somewhere starts in Augusta.

There are some good pieces in this budget – I recognize that. Those pieces can be a starting point for us to go back to the table and do more. I have extended an offer to Legislative leadership that can avoid a shutdown in the near-term and give us time to eliminate these sales, meals, and lodging tax increases. However, while those tax increases remain in the budget, I cannot support it.

As you vote on this veto, it should not be about counting votes to simply ignore these objections. Maine people deserve a considered, reasoned debate, and your ultimate decision is owed directly to them. We have been 50th in the nation for too long and this budget will keep us there. It is time to look past the next election to the next generation. The vote before you is about one thing: the future of Maine. We must all stand together.

For these reasons, I return LD 1509 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015 (EMERGENCY)
H.P. 1079 L.D. 1509

Comes from the House, 114 members having voted in the affirmative and 34 members having voted in the negative, the veto of the Governor was **OVERRIDDEN** and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

Senator **HILL:** Thank you Mr. President. Senate colleagues, today's vote is not so much about a budget, rather it is about averting an unnecessary shut-down. Shut-down, it's really a simple word and it was too often used this year. A simple word that has little meaning to some people and yet it strikes fear in the hearts of many others. What does a shut-down really mean? Well, at the height of our tourist season, to the industry it means no lifeguards, no fishing licenses issued, no boat registrations, no open and maintained State parks. On other fronts it means healthcare providers do not get paid. The trucking industry cannot get oversized licenses and permits. No Health and Human Services protective services are available. State employees can't do their work, they can't get a paycheck, and that converts into no shopping at the local businesses and mortgages and banks being put at risk. For the court system, it grinds down

to a halt. We can go on and we can go on with the impacts, but I ask you the question, how does a shut-down impact the people of Maine? How does it help them? How does it help the businesses of Maine? We all know. We all know it doesn't. It simply doesn't. I am going to ask you to remember today that you can no longer vote on whether or not you agree with the budget or you like the budget. That's a concern you can bring up when we return in January. We can revisit that. Today, Wednesday June 26, 2013, your vote will be either to shut-down or not to shut-down. I hope you will think seriously about that when you push your button. Thank you.

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

Senator **FLOOD:** Thank you Mr. President. Ladies and gentlemen of the Senate, I do want to thank you very much for your patience with this budget bill over the last three or four months and I thank you for your support ten days ago in this Chamber and I thank you for the support on this override vote today. The responsibility of preparing a biennial budget is both an interesting and fulfilling, sometimes, journey, but it's also an unforgiving and sometimes very awkward burden. It's a journey that must conclude with support by two-thirds of the Legislature. There is no other option that defines success. I want to talk briefly about that threshold from one person's brief perspective.

Every day on every issue that the committee discusses over several months the only test that really matters is whether two-thirds of our legislators will agree with our outcome. On every one of our several hundred issues that we review and deliberate upon within a budget bill we have to ask ourselves, "Will 66.7% of the legislators agree with us come June?" If not, do it differently today. If not, find a better way. If not, start over. Get it right. Two-thirds is what you need. We go through that thinking process every day on every issue. It's important to filter that question further by asking, "Will two-thirds of the legislators that would agree with yesterday's Health and Human Services issues be the same two-thirds who would agree with today's agricultural issues?" If not the same, than start over. We need two-thirds support on the entire bill, not just individual pieces. Yet each piece, itself, must be supportable and all must fit together as if it was a giant jig-saw puzzle with the final outcome also supported by two-thirds. We go through that thinking process every day for several months, searching for that sweet spot where two-thirds of our legislators will actually find consensus. It's a difficult threshold to achieve, so it's important to keep our eyes on the goal. Not 100%, not 90%, not 50.1%, but 66.7%. Throughout the month's long journey there are many obstacles that become frightful distractions in our path, but we need to look past those editorials, those detractors, those naysayers, those critics, those activists from every aspect of political activism, and all the rhetoric and say to ourselves, "Yes, I hear that. Yes, I see that. Yes, I understand that, but will two-thirds of our legislators agree with us?" It's important to not let those countless distractions divert our focused attention from the ultimate goal. I want to thank the two-thirds of you who have supported this budget previously and thank you for the support I anticipate today. During seven years of preparing state budgets, this one had more distractions and more difficulties than the others.

I want to thank the Senator from York, Senator Hill, for helping us to manage those distractions and position us favorably to this point in time today. I also want to thank the Senator from

Penobscot, Senator Cain, for being such a resourceful and proficient problem solver. We were blessed to have these two leaders within the committee. Of course my thanks to all the committee members and the outstanding staff, and to you, Mr. President, for facilitating and encouraging our work. I also want to thank the one-third of this Body who have voiced dissatisfaction with all or portions of the budget bill. We couldn't do our job well enough to meet your expectations and I believe we wish it could have been otherwise. Your one-third dissatisfaction indicates one of the greatest things about America and Maine. That is democracy is about choices, about voicing opinions, equality, and about civil disagreement as much as it is about civil agreement. I hope Maine citizens are proud of our ability to demonstrate democracy, whether we win or whether we lose.

I wish to close by thanking two other Senators today. I want to thank both of the Senators from Aroostook for taking time to visit our Appropriations deliberations on many nights and weekends from March to June and then sharing those observations with their caucuses or within this Chamber. The Senator from Aroostook, Senator Sherman, visited us quietly from the audience on many occasions and took the time, in our subsequent Republican caucuses, to explain to other members the challenges and discussions that he had heard. I appreciated that he took the time to do so. It was unexpected and very appreciated. The Senator from Aroostook, Senator Jackson, also visited us quite regularly. I can't say if he reported our activities to his caucus, but I do recall his kind words during debate ten days ago when he, too, reflected upon his observations of the Appropriations process and our work to find consensus. I believe he, like me, referred to our final product as imperfect but voiced support for our budget on the basis that thirteen people from very different points of view were able to work together for several months to force upon themselves the will and the energy to find the necessary agreement to complete our assignment. I want to thank Senator Jackson for his kind supportive words during that debate a week and a half ago. That, too, was unexpected and very appreciated. I want to thank all of you here today for demonstrating that which is good about Maine; the ability for elected Representatives and Senators to express civil discourse, even with significant disagreement, in the name of finding outcomes that work. I'm proud of the realistic budget and I'm proud to work with all of you. Thank you, Mr. President.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I rise in support of the responsible, realistic budget that was made by the Appropriations Committee and to ask for your support in helping us to override the veto of the Chief Executive this afternoon. I want to start by sharing some facts about the budget that I believe have been misrepresented or mischaracterized in the past few days. It's important for the record that we correct, when we have the opportunity, those facts.

First, no students will be harmed in the passage of this budget. In fact, this budget includes incredible support for education, for students, for schools, for communities, and for teachers. It restores funds to Maine public schools that were taken during the curtailment process earlier this year and covers the cost of municipalities accepting the responsibility and the shift of teacher retirement normal costs. This budget puts us on track

both in finance and in statute to be on track for reaching 55% in the foreseeable future. It includes \$500,000 for the Bridge Year Program that helps kids access college earlier and helps put them on a track for success as they head out of high school and into what comes next. There is actually \$300,000 in new spending, new investment, in the future through the Jobs for Maine's Graduates Program. That's a fact, \$300,000 new dollars to Jobs for Maine's Graduates that will go a long way in helping future leaders in the state of Maine, again, have a great start. There are also new funds in this budget for the Baxter School, to help fund their transportation challenges as they seek to meet the needs of the deaf and hard of hearing students across this great state. It includes additional funds for high school students who want to take college courses because, again, what we need is more students having more education and opportunities here in the state of Maine. This budget focuses on funding and investing in proven, on-going, and current programs that exist to help in investing in Maine students. It rejects new spending in unproven initiatives that have yet to be off the ground in Maine.

Every single budget is a big document. It's not my first budget and, for most of you, it's not your first either. When I think about this budget there are so many reasons to vote today in support of the budget and to override the veto that there isn't enough time that would be worth your time for me going through it. We are faced with tough choices in this building every single day. Some are like this one that captures the attention of the entire state of Maine all at once. Then there are choices that we make in committees, in the hallways, or at our desks that are just as tough and don't get us a single phone call, a single e-mail, a single pat on the back, or scowl as we walk out of the building. Today is one of those moments where it feels extra tough. It feels extra hard. I will tell you with confidence that this vote should be easy because when you're faced with those moments that seem tough, that seem complicated, what you need to do is do the right thing. That's a gut check. That's a moment. In this budget there are so many reasons, whether it is schools and students like I already talked about or dairy farmers that are supported in this budget, the elderly and the Drugs for the Elderly Program, or State workforce and State services delivered across this amazing state, we could go through every department and every committee and your report backs and you will see the good things that we did that you asked us to do in the unanimous form. Every single one of those reasons, whether they are \$1 or \$1 million or more, is worth pushing the button to override this veto. Also by overriding the veto today you prevent chaos. You prevent chaos and disarray that would not be a reflection of the work and integrity that went into the creation, the crafting, and the tough decision making that led to the unanimous decision of the Appropriations Committee, to the two-thirds support of the other Body and in this Body, and, in my opinion, Mr. President, that should lead to the override of this veto today. I ask you to join me, because this budget is fair, because this budget is balanced, because this budget is responsible, and, most of all, because it is the right thing to do, in voting to override this veto today. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you Mr. President. Women and men of the Senate, I rise to speak in favor of the override of the Governor's veto of the budget and I've yet to speak on this issue,

but I feel compelled today to speak. The budget that's before us is a product of months of negotiations. Both sides of the aisle came to the table with a list of items and an agenda that is reflective of each political party, knowing full well that no side ever gets all that they want. I've served with Senators Flood, Hill, and Cain and can't tell you how much I respect the work they do as members of the Appropriations Committee. That respect is the same you would have of a fierce competitor. It's truly a thankless job. They are all experienced and competent negotiators. The other members from the other Body are equally as seasoned and negotiated fiercely to get to this point. I stand here with a personal thank you for your work.

How we do things is as important as what we do, and I firmly believe that. In my career in school administration and as a private sector employer I always ask this question of those who are going to lead people; what is it that you do that makes people want to work for you or want to work with you? Many people struggle with this question. What is it that you do that makes people want to work with you? For me it's this simple. You back your people. When you put a team out there you must support their work. They have to know going in that they have the support of their team members and their leaders, otherwise how can you expect anyone to volunteer to do this work, to do the tough negotiating on all of our behalves. After months of fighting in the trenches, to be told your work is not good enough, that you could have done better. My guess is if this budget fails there will be plenty of openings on the Appropriations Committee. We put our team of negotiators together based on their knowledge, skills, and abilities as appropriators. We ask them to, and they agreed, serve in that capacity. This committee was determined to get to yes, to a unanimous vote. To me, that's incredible and nearly impossible to do, yet they did. All along the way we have been briefed and warned that this budget is ugly and has no great options. We were briefed that we would be faced with voting for things that we are diametrically opposed to. I got it, understood it, and thanks Senator Flood for being so upfront every step of the way. My vote today is a statement of support of our Republican team on the Appropriations Committee. For what it's worth, I've got your back. Thank you.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I don't have prepared remarks today for my position on getting ready to vote to sustain the Governor's veto, but I do want to say how much I appreciate my friends and colleagues, Senator Cain, Senator Hill, and Senator Flood, and the exemplary work that they've done since we all went along. I don't think there is anybody in this Chamber that doesn't appreciate their work or the work in the other Body to bring them to this position. I appreciate their passion also. I want them to understand that some of us also have the same passion. Our passion falls a little differently this time. I keep hearing that this is all about shutting the State down. Once again, I don't think there is anybody in this Chamber that wants to see that happen. I lived through the last one. I worked for the State of Maine when that happened. I know what it's all about. I lived to tell about it. It wasn't a good thing. I don't see that that's necessary, Mr. President. It seems to me that this Body and the other Body could find some methodology so that we could go back to the table and resolve some of the things that have given me such

passion about this. I'm very passionate about imposing more tax on the people of the state of Maine, just as passionate as I am about the potential of a shut-down. I heard the statement made that this would hurt the state if we had a shut-down. I'm here to tell you if we raise taxes on the good citizens that are just barely getting by now we're going to hurt the state. That's where I'm coming from. That's where my passion is derived. I would ask you to please respect my passion also because I don't respect yours any less. I think it's easy for us to say that we can just pass the budget and go on with business as usual. I don't believe that's going to be the case. I think we are going to hurt a lot of hardworking people. We are going to hurt our economy for a long time in the future.

This state is divided, just as we are in this assembly right here now, or at least I am. I have no idea how other people are going to vote, but I received, like every one of you here, many communications this weekend. More than one of them said, "I plead with you, I beg you," on both sides of the issue. Obviously there is passion to go around. People are just as fearful one way as they are the other way. My job is to come down on the right side. I think that I'm doing that, ladies and gentlemen, whether I'm in the minority or not. I do think I'm in the majority in my philosophy that I came here to defend on behalf of my good statesmen. I will be voting to sustain the veto. Thank you, Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President. Men and women of the Senate, I wanted to rise and speak today because I think I'm one of the few people who was standing exactly in this Chamber in 1991 when we shut the State down. In the most simplest terms, I want to tell you that it was hell and I don't wish it on any of us or this legislative process again. We were closed for approximately 17 days. The hallways were filled with people from end to end. The building was crowded. There was barely enough room for us, as Senators, to walk single file down the hallway from our offices to get into this Chamber to vote day after day. People were angry. They were yelling. There were unpleasant things said over and over again in the hallways. There were hundreds, and sometimes thousands, of people out on the front lawns, demanding that a budget be passed, that the State's business be done. It was an incredibly intense and difficult period. I can also tell you that when you deal with a situation as difficult and as complex and as serious as a budget that is not an atmosphere that will make our best judgments on. I can assure you that at the end of the day the product that we will have will be worse than the one we had. I don't mean it to be a derogatory statement, but a budget is a compromise. I think none of us like everything that's in the budget, but going through a period where we don't have a budget and the State shuts down, it is a horrific way to do the business of this state. I can tell you from personal experience how angry the people of this state were. They were furious at us, that we hadn't conducted our most basic responsibility, to keep the State running, to do the business of the state, to find some kind of compromise that we could live with, even if it wasn't perfect. They had a right to be furious. They send us here to do a job for them. They send us here to find some way to get things done, not to find ways not to do things. I can also tell you personally that many of my colleagues from that class did not return. The voters chose not to

send them back, both Democrats and Republicans, because they felt they were not being represented properly and they would not put up with the kind of foolishness that it takes not to keep the state moving forward. I suspect there would be no reason for them to be as angry and to reconsider whether some of us should come back here in 2014. I urge you to do the business of this state and not put us, this institution, or the people of this state in that kind of situation. Nothing good will come of it. Nothing. As difficult as this is, this is what we have to face as our choice. It is a budget that was negotiated over six months of work, compromises that were made, giving and taking that resulted in the budget that we have. We need to proceed forward. I could not in more stark terms urge you to make sure we do not return to those dark days of when the state cannot proceed again. Nothing good for the people of Maine or for us will come of it. Thank you.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm opposed to this budget because it buys more government than the people of Maine can afford. We cannot sustain a government this big with an economy this small. This budget will not allow our economy to grow. When the higher taxes in this budget find their way into the products and services that we sell those products will become less competitive and fewer will be sold, making less work for a population that needs more and better jobs and giving us higher taxes again soon. By itself, a half a cent increase in the sales tax isn't a big deal. By itself, a penny on the meals and lodging tax isn't going to cause the sky to fall. The property tax increases in this budget aren't good, but we could survive if they were the only tax increases. The tens of millions of dollars in tax exemptions yet unnamed that we're taking away wouldn't set off alarms by themselves. We could live with the other money this budget takes from hardworking Mainers if that was all we took. The problem is Maine already has a crushing tax burden that kills our economy. When you add all these higher taxes, we make a bad situation worse. Bi-partisanship is good. Compromise is wonderful. Working together is what we should be doing, but it doesn't matter if in the end we make things worse for the people we were sent here to represent. Granted this budget saves some hundred thousand dollar a year government jobs, but it's going to make it harder for the majority of Mainers who get up every morning and go to work. These tax increases, on top of the big federal tax increases just a few months ago, couldn't come at a worse time. We're just beginning to recover from the worst recession in our lifetime. The last thing we should do is raise taxes in a recovery that is as anemic as this one. That's why my vote will be to uphold the veto. 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 today as a simple forester. In fact, I use the words that a former friend of mine once said, who I had great respect for, "I am a simple woodsman." I rise to support this budget and, thus, vote to override the veto. As a forester I am taught to look to the future. In fact, I used to say, when I was working in the woods, that someday my grandchildren, if I ever have any, Alison I hope you are listening, would say, "Dad had

this right when he went in the woods. He did the right thing. Look at the forest. It's flourishing," or "Ops, he missed this one. Maybe he should have done something different." Oftentimes we think in terms of 30 years, 40 years, and so forth, and sometimes as short as three years, to see whether we're successful. I'm actually going to look at this budget the same way. First I do need to say this. I'm so impressed with the committee's work. I oftentimes go to schools and talk to them about our committee process, that we have Ds and Rs and Is, Senators and House of Representatives on that committee, and they work together. That's what's so different about us and other state governments and the federal government. I publically thank you for the work that you did and what you accomplished. Back to forestry and the budget. I've decided to use a tree. We'll talk about the roots of the budget, which is the income tax proposal that we passed two years ago. That's still intact. We must not forget that. What's more important to me is that the farms and small businesses are protected. Now we turn to the trunk of the tree, that's education. It's funded. Yes, I do believe retirement should be included in the school systems' budget, but you need to give them time to adjust to that. This budget did that. I think of the branches, in that case I think of revenue sharing. As a town selectman I know how hard we work to manage our budget. I go to all my town meetings, as best I can, to see how hard they do. Unlike Senator Cleveland, I was not here during the shut-down, but I was here during the original L.D. 1, when we put parameters on what a municipality could increase their taxes by. It was based on a percent of growth and inflation. Without getting into the intricacies of the formula, a recent report said 75% of the towns are living under those calculations. I would bet if you took time to look at the other 25% you'd find out that maybe a third of that, if not more, had an extraordinary situation; a fire truck failed, building burned down, or something like that. Our communities are working very hard to live under that. I don't disagree that someday that should be reduced, but one of the key things we came out of this with is we're going to look at the town mandates. What have we told the towns to do that we don't need to do? Maybe that's what revenue sharing went to, to help those mandates; whether it's the salt sheds, whether it's the dock, whether it's closing the landfill, those are things that we've told communities they have to do. This revenue sharing helps that. The second part that I look at is the leaves and the fact that we talk about passing the non-profits. We've gone in there and we're going to look into what that can do for us because that may provide an opportunity, but the time wasn't there so we've decided to address that. We protected the seniors' Drugs for the Elderly and circuit breaker. We've actually put that in a form now that people can take advantage of it rather than have to file some things completely separate and different. We've actually fully funded the Homestead Exemption, which was one of my big objections under the old L.D. 1. Yes, like a tree, we need some fertilizer. Yes, there is a sales tax. I admit that. It's a revenue increase. However, the good news is it is sunsetted. That's our opportunity, for those of us that are here in two years, to change that if we want to. I like to think of it as a chance for the leaves that are on the tree that I've just described to fall to the ground and naturally fertilize the tree.

As a forester, thinking about this in the long term, I think we've set this up, the State up, to prosper. I disagree with some of my colleagues, which we all do, and I think, as a forester, Maine will do better. Today I vote green with my good friend and fellow logger, Troy Jackson.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I rise in support of the budget and, frankly, in support of the work of 13 people. I am like the good Senator from Androscoggin, Senator Cleveland, though I was not in this Body, I was in the other Body. I was sitting in a seat there and experiencing the same types of things that he did in 1991. I can tell you it was a time that I wasn't particularly proud of state government or how state government was operating. It was a time of great dissatisfaction amongst our folks back home. So to say, there were very few people who ever called me during or afterwards who said, "Boy, we're glad you did that. Didn't that work out great for us?" Over the time that I've been here I don't know that I've experienced anything as intense as that. When we talk about long days here, long days were when you couldn't get from the ladies room to the Chamber. It was impossible. The crowds, the way they closed in on you. Whistles, I lost some of the upper range of hearing in my right ear from a whistle that was blown directly into my right ear while trying to walk into the Chamber. There were other kinds of things like that that were going on that I don't think if you weren't here you could understand or really comprehend how difficult it was. There were times when those doors which are in the back of the other Body's Chamber were opened so that we could pass through the clerk's office to get into the House or to get back out of the House again. I also remember my good colleague, also from your area Senator Cleveland, Representative Susan Dore, who was very concerned about foster families. There were foster families in this state, taking care of the kids that we'd asked them to take care of, who were receiving no compensation for it. These were families that, from week to week, depended upon that money that came from the State. What a group of legislators did was figure out how to man the check writing piece of equipment, along with some staff which had been authorized because of being essential personnel to be there. Thank goodness they were there. Those legislators went over and made sure those checks got run. They got stuffed into envelopes and they were delivered to the families who were doing some of the most important work in our state, taking care of those kids that we'd asked them to take care of. While it was personally very difficult for us, it was much more difficult for people who were on the outside, who depend upon the State being there. It's cavalier to say they'll get by for a little while. It's cavalier if you're not standing in their shoes. It's contrary to what it is that we stand for when we come down here.

I appreciated the comments of the good Senator Flood regarding the process, the committee process, that goes forward here. I have come to have a more than small amount of appreciation for the work that they do. I've been here as a lobbyist, working for the Finance Authority of Maine. I've been here as a Representative. I've been here as a Senator. I've sat in the back of Room 228 and watched the work that goes on there. I can tell you there are no harder working people in this building, as hard as we all work, than those that sit on that committee and the kinds of decisions that they have to make every day on our behalf. We corner them in the halls and make sure that they know and understand everything that we think is critically important and every time they smile and say, "Thank you so much for that information," and then they have to go back and compromise and compromise again and compromise again. It's an extraordinary process. It is and it represents the best of what

we do here. I think it's very important today, as the good Senator Langley said, that we have their backs. We ask them to respect the work we do in our committees and I think we need to do that same thing for the amount of work that they do, both on our behalf and on the behalf of the people of the state of Maine. Today I'm going to ask you to please seriously consider your vote here today and have the back of those folks who have been sitting on the Appropriations Committee for so long. Thank you, Mr. President.

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I want to take this moment to thank every member, from both sides of the aisle, of the Appropriations Committee. I want to thank them for their months of hard work and for letting me share some of that with them at times. Let's be honest. We've got this budget that none of us, all of us I should say, don't like, but we were elected to make difficult decisions, work together, and compromise. To throw out this budget, to vote against it, would be unthinkable, I think. One of the things I thought of is when the good Senator from York, Senator Hill, was discussing kind of what a State shut-down would mean. We've all heard the stories. In the past week I've done a little research on what it was like in 1991. One of the things that I kept coming back to was probably the thing I know the most about, child protective and adult protective services no longer would be functioning. Those investigations wouldn't happen and, as someone whose job it has been for over two decades to make those reports, I can't rationalize anyone in this Body not taking that seriously. I've made reports because children are bleeding from the genital area. I've made reports because children are abandoned in emergency rooms. That's what that means, people. I, in good conscience, can't support anything that would not let us do that good work. I thought of what my Dad always said to me when I was a kid, which was, "You can't always get what you want, but if you try sometimes you might find you get what you need." That, my friends, is the Rolling Stones and I think it's good advice for those of us that were elected to come here and do a very difficult job and behave like grown-ups. Thank you very much.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I stand in support of the budget and support of overriding this veto. I think that my good friend, Senator Haskell, actually read my notes, but I'm going to say them again. The budget process is a process that has historically been honored and respected by everybody on both sides of the aisle. With 13 people working weekends, week days, night and day, leaving in tears often, leaving with heartbroken results for the day's work, and then, finally, coming together and having 13 people voting in unison for the entire budget. It wasn't a line that they broke on. There wasn't a program that they broke on. They voted together 100% of the time. Since we've been having these fun few days off, I've been out and about a lot. I attended the Art Walk in Lewiston where we had hundreds of people in different situations get together and whether it was a planner or a business person, large business person or small business person, individuals,

seniors, everybody wanted to know if we were going to have a budget. Everybody. Everybody's worried. It was not just Democrats that I met. I met people of every party affiliation and they all said to me that they wanted to pass the budget and they wanted to keep the State open. Obviously, having been working on Health and Human Services, I was delighted with the budget. I was delighted that we were able to return Drugs for the Elderly, that the Appropriations Committee was able to return Head Start dollars, dollars to care for people with mental health needs, dollars to care for people with developmental disabilities, and dollars to help, obviously, invest in our educational systems and Women, Work and Community. I just think that it was an amazing budget.

I'm going to do like a little personal thing here to make an example of what both budgets would do for myself and my family. My husband and I are both retired and our income is not very high, but we do have a house that worth about \$160,000. If the Chief Executive's budget went forward we would make a whopping \$30 on our income tax. We would get an extra \$30 back. We would pay over \$300 extra on our \$3,500 property tax. We would be losing over \$270 a year on the Chief Executive's budget. In this case we would just be adding just a little bit as the revenue sharing and the homestead provisions are put back into the budget. I want to thank very much the members of the committee. My friends, Senator Hill and Senator Cain and Senator Flood, who is always so honest and works so diligently to do the best thing for the people of Maine. I thank them all and ask you all to please override the veto so that we can get on with our lives. Thank you.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen, budgets are, as you've heard from a number of people in this Body already, a compromise. For me, there are a number of trade-offs that are really important in this budget. There are plenty of things that I'm not completely enthused about, but I'm very impressed with the work of the Appropriations Committee in finding smart alternatives; things that aren't everything that I would want in a budget but are better than what we started with and that other people can say the same thing about. That's really what the people who elected us send us here to do, to find the best path forward that we can agree upon as a Body to get their work done. Today we're making a decision. We're voting and it has grave consequences in whether the State, itself, continues to serve the people in the way that they expect it to or not. There are a lot of people in my district that have contacted me over this budget and talked about how important it is to them, whether it's their concern with education and that we adequately fund building a future for Maine children, or it's a matter of what the property taxes that the original proposed budget would impose on them and how hard that is, as I've heard ever since I ran for this office. People talk about how property taxes are the hardest to bear and rightfully so because they are the biggest portion of the taxes paid by the people of this state. They fall on people who can least afford them as much as anyone else. It's not an easy thing for me to decide to approve a budget that has things in it that I'm not happy with, but I know that that is the difficult choice we're all expected to make. I've looked at this. I can't, frankly, propose a better way on any one of the issues that this Appropriations Committee has dealt with. I don't have a

better answer that would have any hope of meeting agreement of two-thirds of the people in this Body instead. That being said, I have to put my support behind both this budget and overriding the veto that stands in the way of this budget keeping the State working for Maine people.

I found it rather interesting, the discussion about forestry and trees and the mention of the years involved in tending a forest. For me, that's an education. There's a lot that this budget has done to help our schools fund programs to actually put funding behind what's going on in the classroom. To me, that's vitally important for two reasons. First of all, we have enacted in recent legislatures, and we've made some small changes again in this one, changes that we expect schools, themselves, to implement to improve the quality of education, to improve the kind of preparation that our students have to meet their future, and do good things for the state after I'm gone. There is no better investment for the future of this state than that we put into making the children that follow us be successful. Yet, if we compromise the funding for that education, how can we expect those changes, as difficult as they are for the teachers, for the schools, and for the communities, to come about if we don't fund the programs themselves and supporting the education, the mentoring, the training, and implementing the changes we expect, the changes that our children need for their future possibilities.

There is a lot in here that I think has been mentioned earlier about the changes to the Circuit Breaker Program. Very smart changes, to not just say, "Well, let's do away with this program or that program because we can't afford it," but instead saying, "Well, how can we achieve what we agree does need to be done," and find a better way to do it. I am in awe of the work that the Appropriations Committee has done in bringing us a budget that really does that. I hope you will join me in supporting voting green.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is a first for me. I haven't talked on this budget this year, but I rise today to talk about overturning a veto. I've never done that before. I rise today not only as a State Senator but as a citizen in my community, a citizen in my state, a son, a father, a grandfather, and somebody that understands and has had it brought home to me, especially in the last 24 hours, what our budget really does and what it's about. I had a medical emergency at my Mom's house yesterday, most people don't know. I had to dial 9-1-1. That's always a traumatic experience, especially when you have an 89 year old mother. Seeing her loaded into that ambulance, taken to a hospital, kind of focuses you to what's going on in your life. When I was at that hospital most of the day I had an opportunity to talk to all the nurses, all the doctors, and most all the patients. These are my constituents. I, like my good priest, like to take advantage of when I'm in the hospital to go room to room and talk to my constituents. It relieves me of some of the pressure that I'm under, that I'm worried about, to hear their troubles. I got to talk to my EMTs, my first responders, who, of course, would be doing their job with or without a budget, who would be doing their job whether we shut the State government down or not. Their spouses might not be getting a paycheck if we do the wrong thing. Their families would certainly be taking the brunt of our actions that are bad. I had to remember what does our state budget really, really do, Mr.

President. It really funds our government and the services that only government provides. We're not trying to take money in our budget for the state of Maine and pay for public safety in any other state. It pays for public safety in my state. It affects the people that I represent and it affects the people that you represent. This budget isn't the budget that I would have written. It isn't the budget that most of us might not have written, but every single person in this room had an impact on this budget. I know when I talked to the members of Appropriations during their hard nights of work, they do a tremendous job, everybody's thanked them for that today, they took my concerns of what was coming through my committee very seriously. We all had an impact on what this budget looks like. It might not be the one that we all wanted, but it's the one that we had an input on.

I'm a father, a grandfather, and a son. This budget is going to impact everybody I love the most, my family. This budget is going to impact all of your families. That's what we're here to do, to overturn the Governor's veto. He's got his reasons for doing what he does. I did run to be Governor. Didn't get elected to be Governor. I'm going to do what a Senator does. I'm going to try and overturn a veto. I think that the best budget that we can get in the state of Maine right now is the one that's going to work, the one that we've worked on and we've all had a hand in working on. I want to ask the members of this Body to remember what the budget does most. It's not that 100% of the money comes back to the voters, the constituents and the taxpayers of the state of Maine, but most all of it does. It comes back to our communities. It's going to help fund our revenue sharing. It's going to help fund our towns. It's going to help fund our schools, which is going to help educate our kids. It's going to all be coming back to our communities. It's not like we're sending it to Mars. It's going to be spent here in the state. It's a state budget. Mr. President, that's our responsibility. It's our responsibility to create a budget. It's our responsibility to pass a budget. It's our responsibility to make sure that the state government runs. It's the Chief Executive's responsibility to oversee that, but it's our responsibility, as a Legislature. We control the purse strings and we're going to have to fund a balanced budget. That's what this committee came up with, a balanced budget that balances the needs of all of our citizens, not just one. Ladies and gentlemen, I hope that we can all sit today and do what's the right thing for our constituents, the people that sent us here, to give them a budget, not to give them an alternative which is not going to benefit anybody. I didn't serve here in 1991 but, by golly, I stood by that door and watched from the staff's perspective when this place had a difficult time with a budget. It wasn't fun for either staff or politicians. It was certainly not fun for the State employees or the people that we represent. Let's get beyond it. Let's pass this budget. Let's overturn this veto. Let's do what's the right thing for the state of Maine and for the people, because we're all going to have crises tomorrow that this budget is going to help us with. Thank you very much, Mr. President and my friends on both sides of the aisle.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today, regretfully, to indicate that I will not be able to again support this budget. It's something that is challenging for those of us who have watched the Appropriations process and understand that there is great deliberation that goes

on there. I had the opportunity in different committees and as a town official, as an elected councilor, to deal with a number of budget items. It's not an easy process, Mr. President, and I recognize that much time, much debate goes in. In this case I can't imagine the challenges that faced our friends on the Appropriations Committee because they heard some gut-wrenching testimony at times. They made some difficult choices. They stayed with some core principles on each side of the aisle, and I respect them for the belief and the commitment they had to those. For those of us who are choosing not to support this budget, we also have some core beliefs that are important to us. I think it's one of those areas where we have to recognize and respect that we make choices not based upon any one particular item in a budget but upon a culmination of those issues that either allow us to support legislation or not to. This is much more difficult when it comes to the budget because we are obligated by our constitutional oath to support a balanced budget every year.

My concern here is that how you look at this and how it's framed in some of the debate gives the impression that somebody is not supporting the budget and, therefore, they are not supporting the process, they are not supporting the individuals in state government. I think that's very far from the truth, at least for myself. I think that the e-mails that I've gotten from a number of people who work in state government in concern over this budget have caused me to dwell a lot on the choice that's being made here because I don't feel that any of us have a right to invoke fear as a purpose to get policy through. I think the concern over a State shut-down is very valid because it creates fear and uncertainty in the hearts of people, but that's not the only reason that we should be voting on a budget. We should be voting on a budget because that addresses the needs of our state in a responsible manner without imposing too large a burden on any particular segment of our population. That is where there is a careful balancing act that was presented to the committees of jurisdiction, where we were asked in our committees to come forward with recommendations to assist the Appropriations Committee in their deliberations and give them more guidance and insight.

Frankly, Mr. President, I think at times we, in the committees, did not take that responsibility as seriously as possible. We sent the Appropriations Committee hundreds of thousands, if not millions, of dollars of additional expenditure requests than this budget was able to sustain. This is not Christmas time where we go and sit on Santa's knee and ask for everything we want. This is a responsible time to look at what we must do to take care of the needs of our communities, take care of the needs of our citizens, and recognize there may not be enough there for everything. For me, one of the defining parts that's concerning is there is approximately \$40 million in future tax expenditures that need to be identified. That translates, in my mind, into a potential additional tax on the citizens of the state of Maine. There are other things in here that we could point and poke at, but I'm not going to talk about the half a million dollars of additional funding for politicians to run for office or the energy rebates. Those are things that were worked out in the committee. There are things that, to me, are core principles and for that reason, although I have great respect for my colleagues on the panel, I am not in a position to support the hard work that they put in over the last six months.

I'll close with just one little story that I think will try to bring the perspective. It's a poem by John Godfrey Saxe about the blind men and the elephant. There was an elephant that came to a

town square one day and the blind men of the village were told about it and they came to check out this curious beast. Each of them, because they were blind, had to touch the elephant. They all grabbed a different part. To one it was the side and he thought it was a wall. To one it was the leg and he thought it was a tree. To another it was a tail and he thought it was a rope. Another got the tusk and thought it was a spear. I think that point, Mr. President, is that it all depends on what part of the elephant we're holding onto, how we view some of the decisions we make with policy here. I would apply that also to the perspective of where we come from in the budget. Many of us, although we have colleagues who worked very hard on this and we respect them, can't always agree with them, just as we, today, have seen us part company on some of the bills before us. Ultimately I think we all have the best interest of our citizens, be they employed by the State or employed in the private sector, retirees or those who are unable to work for some reason, those who depend upon our government to provide them with some resources and some support. We all think about those people and we struggle with the challenges that are before us in different legislation. Thank you, Mr. President, for the time and I thank my colleagues for their consideration of my comments.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I actually wasn't here in 1991 and was in graduate school getting my Masters degree. That was one of the few times in my years that I actually wasn't here. What I heard about the shut-down, as I know Senator Haskell and Senator Cleveland said, it was not a good time for the people of Maine. It was a time when state government really didn't do its job. I think it was very reminiscent of what we see in Washington today. I hope that we do not see the same thing in the state of Maine. Senator Craven had said there are increased funding for the Head Start Program and Drugs for the Elderly, a few proposal that I had sponsored. We have an increase in sales tax. Coming from one of the border communities, that's really going to affect my area but I think you have to give and take. I have never served on the Appropriations Committee, but it's a difficult task. I know the Senator from Kennebec, Senator Flood, said this is probably the most difficult budget he has been through. I would ask that we would accept their wisdom in overriding the Governor's veto. I think that by passing a bi-partisan bill that has been crafted in the best interest of all the state by both Republicans and Democrats is the right thing to do. I think that this vote by us will be a courageous one. I know a difficult one, not only for myself but others. However, I implore you to do this in the best interest of all of us in the state, for our workers, our seniors, businesses that I've been contacted by, and members of the State. I would ask that we would do the right thing, vote on this issue, go forward, and make the people of Maine proud. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues, I'm struck by the parallels of what we're talking about today between what we do here in the Legislature and my medical practice. Specifically, here in the Legislature there is, obviously, a great deal of unhappiness with

this particular budget. Most assuredly some think it gives too much and there are too many taxes, and that state government still continues to be too large. On the other hand there are others that think that it doesn't do enough, and that people have to give up their ideals, some thought of progress, education, healthcare initiatives. The fact is it's not perfect and it represents a compromise. In my medical practice, about three weeks ago, I saw a man who is in his early 60's. He, likewise, was unhappy, as was I. He is a very nice person but had hypertension. He is somewhat overweight. His cholesterol was high. He was hanging on that balance. The question was if we were going to do something radical. Part of me wanted to say he should have bi-pass surgery, he should have low salt or no salt, no more candy, he should throw a pick-axe through his television set, and get out and exercise three hours a day. That doesn't work. That kind of ridged approach is not appropriate. Really we ended up with a compromise. We're working towards a goal of better health. I think we can do that here. I view this as being an imperfect budget, but I think it's a very appropriate compromise and I support it. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I rise today to urge members of this Body to vote to override the Executive's veto and support this budget. There is a lot I disagree with within this budget, many of the same things that I've heard from my colleagues. It's not all I want and it's certainly not all that my fellow Republicans want, nor is it all that my Democratic colleagues want. It is a compromise, as every budget is. It's the product of the 13 hardworking members of the Appropriations Committee, Republicans and Democrats, who worked days, nights, and weekends for months to get us here. Having previously served on that committee in the last Legislature, I know the difficulty of their task. My hat is off to Senator Hill for her unflappable style; to Senator Cain for her passion and creativity; and to Senator Flood, who is the absolute poster child for how to work with others with dignity and respect, how to find common ground, and how to get to yes. My heartfelt thanks.

Some will say the porridge is too hot. Others will say it's too cold. We delegated this awesome responsibility to the Appropriations Committee and they say it is just about right. I will respect their judgment. It's not a perfect budget, but it's a workable budget. It's what we are sent here by the voters to do, to make government work. Mr. President, two-thirds of us voted for this budget two weeks ago. What's different now? I suggest nothing. We should respect the process, the careful way this budget was put together, the good faith of those who did so. We will vote to make government work. After all, what are the consequences of upholding the veto? The actual operations of state government will slide into stalemate, confusion, and shut-down. People sent us here to solve problems. We will have failed them. State workers and businesses that depend on them will all be thrown into needless uncertainty. I represent many of those people here in our capital city. I remember firsthand the economic dislocation that my community suffered through during a previous shut-down. It wasn't fair and it wasn't right. We must make sure we do not bring on that chaos again here. Thank you, Mr. President. I urge a yes vote on the pending motion.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of the override. The good Senator from Kennebec talked about his constituents, many of them State workers, here in his district. That's a huge issue that I certainly agree with 100%. I don't want to see working class people told that they have to stay home, not able to collect a paycheck, money to provide for their families. In addition to that, I think the 124th Legislature, in another tough budget, the proposal was to give furlough days to State workers. I'm not sure exactly how many days we were talking about, but I think it was close to 20 over a two year period. The way that it was crafted, which made sense, is that the furlough days would fall on the Fridays or Mondays. In my area, myself included, while some may disagree, I do cut wood for a living when I'm not in the Legislature, and being gone all week, I'd rush down to do my business on Friday. If I had a State agency to call or something like that, it was usually always on a Friday. When we did that budget in the 124th and had those furlough days, I consistently had people that would call me, wondering what happened and what was wrong and what was going on with state government. "Why aren't they open on Friday? Why aren't they open on Monday? This is a real problem for me, I'm trying to get business done and I can't get it done." While I also was alive in 1991, I really didn't have the understanding of what the State shut-down was. I do understand what it would probably be like if we had that with this budget. I kind of lived through those furlough days, of people being upset that state government wasn't working for them and wasn't available to them. I certainly understand that and don't want to see that happen with this budget.

We talk about priorities and I think that a lot of priorities are taken care of in this budget. Again, like I said when we enacted it, it is not a perfect budget. If we had a perfect budget, or if we were trying to achieve a perfect budget, we'd have 35 people in this room with all different ideas and we wouldn't get any consensus on anything. It is a compromise. The Appropriations Committee worked diligently, very hard, under tough circumstances. I talked about how I'm not happy with everything in this, but I've seen firsthand how hard they worked. It's just not in my heart to try to reject something that was worked on so hard and for so long a period by the Appropriations Committee. For the things that are probably the most important to me, they've resolved them in this budget, so I'm willing to give them my support on this. After watching how hard they worked on it, I'm willing to give them my support. It just comes down to the fact that we're looking at something here on June 26th that, if we don't pass it, we probably will have a shut-down because I don't think that there is any alternative, and we haven't heard of an alternative that came up. We had the Chief Executive's budget and we had the 13 member Appropriations Committee's budget. The Chief Executive's, I mean, it had public hearings in different parts of the state. I believe out of all those public hearings only one person in all those Appropriations hearing ever testified in favor of that budget. We only have two different options and the one that I'm choosing to take today is the bi-partisan 13 member committee and a two-thirds vote on enactment which, while everyone talks about it not being perfect, certainly is the better option and the one that I'm, again, very proud to take the vote today to have. Again, thank you Appropriations Committee members and I appreciate all your work on this.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, let me begin by saying I do appreciate the hard work that's gone into this budget and the hard work that the Appropriations Committee has done. The fact of the matter is there are significant new taxes involved in this and it's the folks that sent each one of us here that will be caught paying those taxes. That ought to concern us all. I think there is honest disagreement in this Chamber and I appreciate the fact that we've had an honest debate here about this. Senator Flood began this debate an hour and a half ago with a comment about trying to get to two-thirds. I appreciate those comments, but there are significant numbers of us that have a fundamental and honest disagreement with this budget. No one, let me be clear, absolutely no one in this Chamber and no one, I believe, in the other Chamber nor the Chief Executive is advocating in any way for a State shut-down. I have not heard that come out of anybody's mouth, nor have I heard anybody advocating for that position. I think that we have other options. We've talked about them here in the Chamber. We've heard proposals come forward in the media. We have other options. It's just a matter of whether or not we're willing to embrace those options. I think the fact these significant tax increases, if we don't sustain this veto, are eminent, and our folks back home are going to be faced with them, ought to cause us all pause. I don't think anybody in this Chamber came here, or was elected to come here, with the promise of increasing the tax burden on the people of the state of Maine. I know certainly that isn't the platform that I ran on nor do I think that anybody else did. I would just encourage each member to think carefully, recognize that there are other options on the table, and let's make the family budget a priority over the state budget. I think right now we've got that the other way around. Folks are struggling at home to make ends meet and this is going to make it just a little bit harder for them to accomplish that. Ladies and gentlemen, let's be honest. Our government, our state government, has outgrown our economy and our ability to pay for 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 today on what I assume to be one of the last few times I have the opportunity to address this Body. I think all of our responsibilities, all of our obligations, are taken with the utmost seriousness and dedication to this state. When we have this vote, this vote on an override, this vote on the eve of a potential shut-down, it calls for a higher responsibility, a responsibility to do what is right, a responsibility to understand every consequence, and a responsibility to know that businesses will be greatly impacted, outside the realm of state government. Individuals, our sons and daughters, who have employment during the summer, trying to earn a buck for college, will be affected. People's healthcare will be impacted. Finances of banks will be impacted. We've heard all these things articulated here today. We have the opportunity to override the action by the Chief Executive to keep the lights on, to move forward. That's what we've heard. We also have the opportunity to embrace a smarter choice, a wise choice, and acknowledge the fact that this

budget has actually made investments in our future, investments that will put Maine kids in a stronger position, investments that will put seniors in a position to get the prescription drugs that they need, and an opportunity to avoid, single handedly, the largest property tax increase proposed on Maine homeowners. The check that would have to be written at that kitchen table to pay for that proposed tax increase would be enormous. None of our constituents would want to write that check. We are moving forward, if we override today, with an opportunity to avoid income tax increases and an opportunity to move forward in a much better path.

I think it's also important to acknowledge the dedication, the support, and the hard work of the members of the Appropriations and leadership on both sides of the aisle and the dedication to be committed to this process starting way back in March. Over 356 people testified on this budget. Hours, endlessly, one upon the other, were spent by the Appropriations Committee working in collaboration with members from across Maine and people from this great state, people from the Executive Branch, legislators, advocates from many causes, and business leaders. This process was long. It was deliberative. It was open. It was collaborative. Most importantly, it reflects what people expect of us when we come here, to do the peoples work together and get the job done and put Maine on stronger footing, footing that is much stronger than what was originally proposed, footing that I know that my child or your grandchildren or your parents or your brothers and sisters, the business owners in your districts will be able to move forward in a much better way than what was originally proposed. This is a clear choice. It's a choice that is easy for me. I think it's a choice for all of us that we can make together to move the state forward. Let's join together, as the Appropriations Committee did, to move forward. Thank you, Mr. President. I strongly encourage us to override the pending veto.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#345)

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

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, MASON, PLUMMER, THIBODEAU, THOMAS, WHITTEMORE

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, and 21 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

Senate at Ease.

Senate called to order by the President.

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

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

On motion by Senator **GOODALL** of Sagadahoc, **RECESSED** until 7:00 in the evening.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/18/13) matter:

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

H.P. 1053 L.D. 1472

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

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-525)**, in concurrence

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

(In Senate, June 18, 2013, **READ A SECOND TIME**. On motion by Senator **CLEVELAND** of Androscoggin, **RECONSIDERED ADOPTION** of Committee Amendment "A" (H-525), in concurrence.)

On motion by Senator **YOUNGBLOOD** of Penobscot, Senate Amendment "D" (S-321) to Committee Amendment "A" (H-525) **READ**.

Senate at Ease.

Senate called to order by the President.

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

Senator **YOUNGBLOOD:** Thank you Mr. President. Ladies and gentlemen of the Senate, this amendment only requires that the Public Utilities Commission conduct a second round of competitive solicitations for a deep water off-shore wind energy project and provides the University of Maine, our university, I didn't graduate from there but I consider it, since I live in the great state of Maine, our university, an opportunity for a deep water off-shore wind project pilot project to be eligible for design. The amendment requires that, in order to be included in those proposals, such additional proposals must be received by September 1, 2013 and that the commission makes every effort to finalize a contract. Thank you very much.

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

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today in opposition to this amendment and I would encourage everyone to join me in that opposition. I rise not due to any opposition to the University of Maine. I could not be a stronger supporter. One of the first things I did when I came into this Legislature was work and be part of the Ocean Energy Taskforce, not as an appointed members but as someone that would attend meetings, someone that participated because it was clearly important to me, it was clearly important to my district, and, I believe, the state of Maine. We have a great opportunity to move this state forward, to bring new capital and new investment to this state. Frankly, in U Maine's words, the current term sheet has been awarded to Statoil, another company, has been called as potentially Maine's Google, Maine's Apple, Maine's GM. We also want to make sure that we give U Maine an opportunity. There are other ways of doing that. Unfortunately, in this scenario, the University was not in the position to potentially bid at the time that Statoil did, at the time of the open proposal, the time that we laid out as a legislative Body. We worked deliberatively

with many stakeholders across the state to create a program, a policy, that put in place opportunities to attract serious capital investment to this state.

Statoil, the company that will potentially be impacted by this amendment, played by the rules. They applied. They were awarded a term sheet. They have promised to invest over \$200 million in private capital. Many have said that this pilot project could lead to thousands of jobs over time if we fully develop this industry. When have we had an opportunity to develop a new industry? When have we had the opportunity to have someone telling us, have someone committing to us, having a term sheet signed that, in fact, they will invest \$200 million into a new industry, to create new jobs, to give great opportunity to our students who are leaving college, to engineers currently working in this field, to so many great job opportunities? I can't think of one recently. That being said, what this does jeopardizes that investment because it reopens this contract. It would almost be like if we awarded a bridge contract through an RFP process, awarded that RFP, and before we signed the dotted line to a \$50 million or \$100 million bridge we said, "We're going to re-bid this, folks, just because we can." That's not good business practices. It's not a good business climate. It's not a good signal to send to people around this country, to people around the globe. That being said, we do not know if, in fact, Statoil will leave, but it puts it in a very tenuous situation. It sends the wrong signal. It's a negative signal to capital investment around this country, to around the world. We've heard many people say, we've heard the Chief Executive say, capital goes where it's welcome. This is clearly not the welcome mat that we want to put out. In my opinion, we're pulling the welcome mat out, to a certain degree. Hopefully that will not happen. Hopefully that will not happen. I know many of us in this Body, many of the people in this Legislature, are committed to seeing Statoil come here, seeing them invest their capital. Hopefully we are not jeopardizing that action tonight.

There are other ways of solving this problem. Unfortunately, there weren't votes necessary to do that. This signal, in my opinion, as someone who has toured Brunswick Naval Air Station with Statoil, who has gone to Bath Iron Works with the people from Statoil, who is someone who spoke with them, it is the wrong message to send. It was clearly, when I got elected and when I returned to this Chamber after being elected two additional times, not something that I wanted to vote on, to potentially jeopardize a huge capital investment. We've got to think about our actions and the repercussions, the ramification. We shouldn't be setting stage in a way that jeopardizes any project. That's why I'll be voting against this amendment, not because I have any opposition to the University of Maine. I would fund that project in a heartbeat. We should do more for them. Unfortunately, we are in this situation. I find it to be a situation that is very challenging and a situation that has generated a lot of hard work. A lot of people have really worked hard to avoid this. I compliment Senator Cleveland and I compliment the good Senator from Penobscot, Senator Youngblood. The solution wasn't found, but it was available. That's a great disappointment to me. I would encourage all of us to think about our actions here today. Think about what signal we're sending to the world when you vote on this amendment. Thank you, Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President. I'd like to take a moment to elaborate just a little bit more on what this amendment really does. As my good friend, Senator Youngblood, said, this provides the University of Maine another opportunity to submit a proposal to be reviewed by the Public Utilities Commission for an off-shore deep water wind project. It also requires, because of the timeliness that's required in this, that they must submit that proposal by September 1st of this year. It does not require the Public Utilities Commission to review any other proposal that has already been submitted and reviewed. It does not direct the Public Utilities Commission to reject any other proposal that has already been submitted. In fact, what it says is that it may consider additional contracts and it may enter into any number of kinds of contracts, including a contingency contract, with the University of Maine or any other proposal that is submitted. I can also assure you that the Public Utilities Commission, in speaking with its Chairman, Tom Welch, that they understand the necessity to move quickly. In speaking with the University of Maine, they understand the need to submit their proposal as soon as they possibly can. The commission will expedite the process to review that proposal when it is submitted so it can be done in a timely way, so that it doesn't inconvenience any other party for any time longer than absolutely necessary. It also does something that the Ocean Wind Act does not do. It directs the Public Utilities Commission to do everything that is reasonable and possible as quickly as they can to execute a contract for the off-shore wind project. It's important to know that because we have to understand that it's not my intent, nor I believe the intent of this Legislature, to in any way harm any other proposal or project that is currently being considered. It's not the intention to give any kind of signal that they are not welcome, that we don't want their investment in this state, or that they are not valued as a business within this state. It is simply an opportunity to give one of our institutions an opportunity to submit a proposal which they haven't had and to have that reviewed on the same criteria to see if they can meet the requirements to get a contract. This will be done within a few months. There is a deadline of December 31st of this year to have all of this completed at its latest date. I expect it will be done before that deadline. This is something that our good friends have asked us to do. I've respected their request to do this so we can proceed forward with other important matters that are before us as well. I hope that you will see the benefit of doing this and see it as a reasonable balance to move ahead with important items in this state. I would urge you to support this amendment as I will be doing when we take the vote.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'd like to pose a couple of questions through the Chair.

THE PRESIDENT: The Senator may pose his questions.

Senator **PATRICK:** Thank you Mr. President. I was wondering if anyone could tell me if the University of Maine has already had an opportunity to participate in this issue once before? I was wondering also if anyone could tell me if the University of Maine is a research university or a manufacturing university?

THE PRESIDENT: The Senator from Oxford, Senator Patrick poses two questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. There was a previous request for proposals. There was only one submitted at that time. That proposal was not from the University of Maine. This provides a second opportunity for the University of Maine to move forward. The University of Maine is a fine institution with impressive research capabilities. When they came before our committee we were extremely impressed with their innovation center and their research capabilities and were pleased that they are looking at the off-shore wind as a particular project.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, maybe just an opportunity to elaborate a little bit on the second question of whether or not the University is a manufacturing university. I think the answer is obvious. The answer is no. They are an educational institution, but our state has invested substantial resources in R and D, particularly around ocean energy wind. The University has spent a decade or more developing this technology. I think it's amazing that they've come so far. As a matter of fact, I believe they've got the cutting edge technology for ocean energy wind for the entire world. They probably, in my estimation, have the best technology that's been developed to date and I think it would be an absolute shame and a crime if we don't give our university an opportunity to reach out, find a partner in this, and try to deploy that technology that we've made substantial investments in, as a state. The technology that they've developed, one of the key components of it, most of the manufacturing can happen right here in the state of Maine. They've purposely developed this technology so that we have the resources and the facilities to build this stuff right here in the state of Maine, creating thousands of jobs. If we're going to do this, if we're going to offer a long-term contract at above market rates, we want to make sure that we give our university a fair shake at being part of this process. Thank you, Mr. President.

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

Senator **YOUNGBLOOD:** Thank you Mr. President. Ladies and gentlemen of the Senate, if I could add just a couple of words to the first question; at the time that that proposal was put in for the first go-around, the University of Maine, I believe, sad to say, was working under the understanding that there was a partnership between these two entities. Along the way that partnership split, so that is the primary reason why they did not get a proposal in at that time.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, hearing the debate brings up another question that I must ask.

THE PRESIDENT: The Senator may pose his question.

Senator **PATRICK:** Thank you Mr. President. I was wondering, if this amendment goes forth and we're looking to give the University of Maine an opportunity for a \$50 million grant and they are going to partner, will this partnership actually be an expansion of government? Will this create more State jobs?

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

Senator **GOODALL:** Thank you Mr. President. I rise cautiously, I do so not to encourage anyone else to follow me and potentially speak. I just want to be clear. This is not one company, from my position, versus the University. The University of Maine is a wonderful institution. They are an institution that has a great opportunity, an opportunity to bring us economic development through off-shore wind power. If we truly want to foster that, if we truly want to encourage that, it would be an amendment other than what we're looking at here today. What this amendment does is, and back to my other remarks on the principle stand of, do we want to be, when we so desperately need to increase our economy, when we so desperately need to attract hundreds of millions of dollars of investment into this state, sending a negative signal, changing the rules of the game when there are other options available to us. Let's not fool ourselves. When we're speaking about the University, there are other options available, not in this amendment. The reason why the opposition comes from my mouth today is the signal that this sends, not only in the off-shore wind industry but to any industry that's looking to come to Maine, to partner with Maine, based on the rules and regulations we have here in this state. I grew up with the understanding that a deal's a deal, a handshake is a handshake. We shouldn't be walking away from that. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Youngblood to Adopt Senate Amendment "D" (S-321) to Committee Amendment "A" (H-525). 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 (#346)

YEAS: Senators: BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, FLOOD, HAMPER, HILL, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD

NAYS: Senators: BOYLE, DUTREMBLE, GERZOFKY, GOODALL, GRATWICK, HASKELL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, THE PRESIDENT - JUSTIN L. ALFOND

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **YOUNGBLOOD** of Penobscot to **ADOPT** Senate Amendment "D" (S-321) to Committee Amendment "A" (H-525), **PREVAILED**.

Committee Amendment "A" (H-525) as Amended by Senate Amendment "D" (S-321) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-525) AS AMENDED BY SENATE AMENDMENT "D" (S-321) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1140

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs shall report out, to the House, a bill correcting errors and inconsistencies in L.D. 1509, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015."

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

READ and **PASSED**, in concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 504

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

25 June 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1427, "An Act To Establish a Resource and Development Coordinating Council."

This bill creates a new council of senior executive branch officials. The goal of the council is good: coordinate our efforts to promote economic development while protecting our environment. However, adding another council into law is not necessary to achieve that goal. It could actually slow the implantation of these efforts, burying commissioners in report writing instead of running their agencies.

The simple fact is that the offices mentioned in this bill should already be working together for the State. That is true whether it is my, my predecessor's, or my successor's administration. If there are particular concerns with the work of executive branch officials, constituents and legislators are free to bring these concerns to the Governor's attention. Additionally, I have concerns that the language of this bill could empower the Legislature to direct the work of commissioners without the approval of the Chief Executive. That is not appropriate under our separation of powers and is something I cannot support. Let our commissioners to their work on behalf of Maine people to advance all these goals – a council, and a law, are not necessary.

For these reasons, I return LD 1427 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Establish a Resource and Development Coordinating Council

S.P. 513 L.D. 1427

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

Senator **BOYLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to speak to L.D. 1427 because I sponsored it. Way back in January it was voted 11-2 Ought to Pass out of committee. I thought it was a really good bill but I want to speak to it one last time in hopes that you will support it. It would create a Resource and Development Coordinating Council, a Body similar to the former Land and Water Resources Council, to advise the Governor, the Legislature, and state agencies in the formulation of policies relating to land, water, and energy resources and development. It would also assure that mission oriented agencies, whose missions are, of necessity, narrow and naturally conflict at times, could move out of their silos, look at the big picture, the long term, while understanding the needs of their sister agencies and work out consensus strategies on behalf of the Legislature and the Governor for the long term. In his veto letter the Chief Executive expressed the concern that this bill would bury commissioners in

report writing, but the bill only requires one report every two years, starting in January 2016. A couple of examples of how a council like this has worked in the past; for many years the Land and Water Resources Council coordinated the submission of the state's consensus hydropower licensing position to the Federal Energy Regulatory Commission. In that process commissioners of IF&W, Marine Resources, DEP, DCD, directors of the State's Coastal and other programs were able to reach consensus positions despite potentially conflicting missions. This included the landmark work done to reach a settlement that led to the historic decommissioning of the Kennebec River dam. The system worked. A second example, at the request of the Legislature the council evaluated how coastal programs at Conservation, Transportation, Marine Resources, and Economic and Community Development could jointly improve access to working waterfronts. It was hard work and well done work. I'd like to see that kind of work happening again over the long term for our future. This Resource and Development Coordinating Council would be charged with looking at big multi-departmental long range issues of statewide significance that require coordination among departments; things that we've been wrestling with here in this session, such as climate adaptation, wind power, mining, the Maine Downtown Program, and working waterfronts, just to name a few. I think it's a commonsense tool that would help state government anticipate policy conflicts before they occur and leverage the unified resources of different agencies to achieve common goals in the use and development of land, water, and energy resources. I ask for your vote to override this veto. Thank you.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#347)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 21 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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

COMMUNICATIONS

The Following Communication: H.C. 229

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

June 21, 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1271, "An Act Regarding Penalties for Campaign Finance Reporting Violations and Late Filing by Political Action Committees and Ballot Question Committees."

In a fair world, this is a good bill. When we reach the final days of an election cycle, those who openly flaunt our laws should be held accountable. However, the Ethics Commission has become a place for political warfare. It is used to try and smear the names of good men and women who are running for office. Political operatives file claims they know have little merit to win a headline leading up to Election Day.

Until we address these abuses within the system, I cannot agree to these stricter penalties. In the last election cycle we saw good people attacked through the Ethics Commission for political gain. Everyone reads the headlines, but no one reads the corrections. In a fair world, this is a good bill, but this is not a fair world.

For these reasons, I return LD 1271 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act Regarding Penalties for Campaign Finance Reporting Violations and Late Filing by Political Action Committees and Ballot Question Committees

H.P. 910 L.D. 1271

Comes from the House, 104 members having voted in the affirmative and 43 members having voted in the negative, the veto of the Governor was **OVERRIDDEN** and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I would encourage you to support the override motion. I believe that complete disclosure of campaign finance information is the lifeblood of our democracy. We depend on information to exercise our most fundamental democratic right and obligation. In order to exercise control of our democracy the public needs to know who is behind expensive political advertisement. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages. Maine has had a reasonably good disclosure over the years, so I guess we might ask why we need to amend the law. In the last few years that amount of dark, or shadow, money in campaigns around the state has simply exploded. The way it is raised and spent has changed dramatically. Secretive special interest money is finding new ways to influence elections and circumvent our reporting requirements. Our disclosure system and the public right to this information are now vulnerable because of this new trend. Make no mistake; these contributions are anonymous only to the general public. There is no doubt that candidates and political organizations that benefit from these expenditures know very well who is actually behind them. They are not fooled by phony names. The power and the influence of these contributors cannot be denied. The only one left in the dark about the secret money is the general public. That's why the bill has been presented. The amended bill provides that in the last 28 days prior to an election the maximum penalties established in current law for violation of campaign finance reporting by a person, candidate, political committee, or political action committee may exceed the maximum. If the violation occurs between 28 and 14 days prior to the election the maximum penalties may be doubled. If the violation occurs less than 14 days prior to the election the maximum penalties may be tripled. The amendment also increases penalties applied to political action committees and ballot committees when required reports are filed. This is a bill that our committee worked long and hard on. I believe it's a good bill. It's a needed bill. I would ask your support for the override in concurrence with the other Body. 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, too, rise to ask for your support to override the Governor's veto. In the Governor's veto message he states, "In a fair world, this is a good bill. When we reach the final days of the election cycle those who openly flaunt our laws should be held accountable." That's what this bill does. "However, the Ethics Commission has become a

place for political warfare." I would disagree with that. I think the Ethics Commission does a great job. "It is used to try and smear the names of good men and women who are running for office." Well, I think, Mr. President, that what happens during the course of an election is that if someone has the ability to take a look at a situation and he thinks that there is a problem there is a place for them to go. "Political operatives file claims they know have little merit to win a headline leading up to Election Day." That's happened since the beginning of elections, Mr. President. I think they call it free speech. I don't like it when someone comes out and says something about me, but I do think they have that right. "Until we address these abuses within the system," which is their First Amendment right, "I cannot agree to these stricter penalties." These are stricter penalties for willful violations, Mr. President. "In the last election cycle we saw good people attacked through the Ethics Commission for political gain." I, therefore, disagree with that again. Maybe the reason behind it, from what I read, there may have been something there, but you have to have someone that's going to be the arbiter of whether or not it is fully something that someone did wrong or not. "Everyone reads the headlines, but no one reads the corrections." "In a fair world," Mr. President, "this is a good bill, but this is not a fair world." Well, I agree it's probably not a fair world all the time, but having this bill do the things that it's going to do to try to stop people from doing what they have been doing is a good idea, Mr. President. I would ask for your support to override this veto. Thank you.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#348)

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

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS, WHITEMORE

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, and 23 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

Senate at Ease.

Senate called to order by the President.

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

RECALLED FROM GOVERNOR'S DESK

An Act To Protect Cellular Telephone Privacy
S.P. 484 L.D. 1377
(C "A" S-278)

(In Senate, June 18, 2013, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 610), in concurrence.)

On motion by Senator **KATZ** of Kennebec, the Senate **SUSPENDED THE RULES**.

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

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-278)**.

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-278).

On further motion by same Senator, Senate Amendment "A" (S-322) to Committee Amendment "A" (S-278) **READ**.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, this is one of the privacy bills we previously dealt with this session which dealt with the requirement that law enforcement get a warrant under most circumstances before they could access someone's cell phone content; that is text messaging or e-mails. The law as passed, in some minds at least, created some doubt whether the way the language was drafted it might actually prevent law enforcement from being able to access people's

public Facebook accounts. It certainly wasn't the intent of the legislation. Just to make it crystal clear that that was not the intent, and that law enforcement would not be excluded from seeing something that any of us would be able to access, this amendment clears that up. That is the purpose for the amendment and I ask that it be adopted by the members of the Senate. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you Mr. President. Members of the Senate, this bill also went through the Judiciary Committee and I agree with the good Senator. This bill merely clears up some language in a bill that we previously passed and I support this amendment and I would urge all of you to support it also. Thank you.

On motion by Senator **KATZ** of Kennebec, Senate Amendment "A" (S-322) to Committee Amendment "A" (S-278) **ADOPTED**.

Committee Amendment "A" (S-278) as Amended by Senate Amendment "A" (S-322) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-278) AS AMENDED BY SENATE AMENDMENT "A" (S-322) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

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

SENATE PAPERS

Bill "An Act To Delay the Implementation of Changes to the Business Equipment Tax Exemption" (EMERGENCY)
S.P. 611 L.D. 1570

Presented by Senator **HASKELL** of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

Ordered sent down forthwith for concurrence.

All matters thus acted upon were 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:

SENATE PAPERS

Bill "An Act To Prevent the Double Funding of Certain MaineCare Costs" (EMERGENCY)

S.P. 612 L.D. 1571

Presented by Senator HILL of York. (GOVERNOR'S BILL)
Cosponsored by Representative ROTUNDO of Lewiston and
Senator: FLOOD of Kennebec, Representative: CHASE of Wells.

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

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

Ordered sent down forthwith for concurrence.

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

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

COMMUNICATIONS

The Following Communication: H.C. 232

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

June 24, 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1032, "Resolve, Establishing the Commission To Study the Incidence of and Mortality Related to Cancer."

This Resolve presents serious concerns about separation of powers: the President of the Senate should not be appointing executive branch personnel to commissions. Our Constitution keeps these powers separate for good reason. I imagine there would be strong objections if a bill came forward giving a Governor the appointment power over legislative employees.

I appreciate the Legislature's decision to use legislative staff to assist this commission. If this bill reached my desk without granting the appointment power of executive branch officials to legislative officers, it would become law. Until then, I believe this bill must be returned and the powers of government kept separate.

For these reasons, I return LD 1032 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Resolve:

Resolve, Establishing the Commission To Study the Incidence of and Mortality Related to Cancer

H.P. 727 L.D. 1032

Comes from the House, 99 members having voted in the affirmative and 49 members having voted in the negative, the veto of the Governor was **OVERRIDDEN** and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I just wanted to rise briefly to say what this bill was. This bill came through our committee and we worked it very very hard. Clearly, we didn't work hard enough for the Chief Executive to accept it as being useful. In the state of Maine we have more incidents of cancer in our population than any other state in the country, especially for young people and children having more incidents of cancer than any other state. We really really need to look at that and this study would have created that group. I would, for the sake of our children and grandchildren and others who would suffer from cancer and not knowing why their contracting cancer, ask you to join the other Body and join me in overriding this veto. Thank you, Mr. President.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, the sponsor of this bill brought this bill forward because he lost his wife of 34 years to cancer. He lost both of his sister-in-laws, his mother-in-law, and several friends to cancer. As he shared with me his story I couldn't help but think about the people that make me confident we should all vote to override this veto

tonight. That's Stan and Phil and Caroline and Sally and Jeff and Joe and Jim and I could keep going. This bill is supported by the Maine Cancer Foundation, the Maine Cancer Consortium, and the American Cancer Society. This bill is not just about people we care about who are impacted by cancer. This bill is about focusing on our experience in the state of Maine with cancer. We need this study so we can look across Maine, to get on the balcony of Maine, and look at the hundreds of millions of dollars that are spent here on prevention and treatment of cancer. We need to look at what's working well and where so we can do it more and we can do it better. I know you've been impacted by cancer. I know that I have. Cancer doesn't care if you are a Republican or Democrat, if you are rich or if you are poor, if you live in the north or the south, or if you live in where it is rural or where it is urban. This veto letter focuses only on appointment of members. Tonight, in this Body, let's focus on cancer in Maine; the people, the families, the lives, and communities that it impacts. Let's focus on doing an even better job at preventing cancer and treating cancer more effectively in Maine. I urge you to join me in voting to override this veto tonight. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I rise today just in honor of one of forbearers here in the United States who had a profound comment on this, Benjamin Franklin, who said that an ounce of prevention was worth a pound of cure. Thank you very much, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I thank the good Senator from Penobscot for quoting Benjamin Franklin because he and I share the same birthday. Mr. President, I rise in reluctant opposition and must ask that my colleagues sustain this veto, not because we don't all want the same result, and I believe we will get to that result. We all agree that the study which is sought here, the Commission to Study the Incidence of and Mortality Related to Cancer, is important and that it should go forward. The problem is that the bill, as currently before us, really does have an improper part to it where it is having a leader of this Body make an appointment from an Executive Department. It may seem like a small thing, but I think the Chief Executive is correct when he says it sets a poor precedent. Everybody wants to go forward with this study, so how can we do that and still take into account the objections of the Chief Executive? During the Legislative Council this afternoon, Mr. President, as you know, we discussed this very issue. We're going to come forward, I believe the leadership will be sponsor this, with an after-deadline bill to essentially do everything that this bill does, but just correct that one small, but important, flaw in the bill. That bill will be drafted and we can deal with it when we see each other in about 13 days, at which time I think we can all join together and agree that politics shouldn't play any role in any issues around the terrible subject of cancer and we can all go forward with this study appropriately. Again, I reluctantly urge that this veto be sustained and we'll get it right before very long. Thank you, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. I rise to encourage everyone to override this veto. I see some real challenges with the argument from the good Senator, my colleague and friend, from Augusta, Kennebec County. The President of the Senate gave his word today, gave his word in Legislative Council, that the Chief Executive could appoint that person. I do not know why we're going to take another step. I do not know why, other than politics, that we're going to legislate more than we have to, Mr. President. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. I certainly understand the concern of making sure that this bill moves forward. I think there is actually an opportunity to accomplish this in the next 24 hours and I concur with my good friend and fellow colleague from Sagadahoc County. I hope that this never has politics enter into this discussion. It would be very unfortunate to ever allow politics to enter into something that we both agree upon. 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, of all people, want this bill to pass, but I will vote to sustain this veto because tomorrow I know it will be corrected and I've already been working with the good Representative from the House to correct the problem. Thank you very much, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I think I heard today also that the person that would actually appoint this person could be the Chief Executive. I think that all the people that have lost loved ones to cancer, I don't think they really care who appoints the person to this commission. I think it is petty and trivial. It seems like a good idea, something that we certainly know is a problem in the state. I just can't believe that we're going to fight about who appoints who on this commission, but the fact is I believe the Senate President said that the Chief Executive could have that appointment regardless.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#349)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 21 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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

COMMUNICATIONS

The Following Communication: H.C. 237

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

June 25, 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1231, "An Act To Amend the Compulsory School Attendance Laws."

Maine law requires children between the ages of 7 and 17 to be enrolled in public school, unless they fall under an exception. The goal of this bill is to strengthen the attendance of those younger than 7 years of age once they are enrolled. It does not make those under age 7 and missing classes truants, nor does it provide any enforcement of its objective beyond paperwork. While well-meaning, it misses the mark.

As we all know, it is often the parent who makes the choice that their young student not attend school. Parents who choose not to

have their child regularly attend classes before age 7 will not be swayed merely because of a new law. We need to get students engaged and excited about learning, and we do that by recognizing each student is different and learns differently. We must refocus our efforts to provide our students with choices. That is the only way to improve education outcomes in Maine.

For these reasons, I return LD 1231 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Amend the Compulsory School Attendance Laws
H.P. 871 L.D. 1231

Comes from the House, 108 members having voted in the affirmative and 38 members having voted in the negative, the veto of the Governor was **OVERRIDDEN** and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#350)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, and 22 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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

COMMUNICATIONS

The Following Communication: H.C. 240

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

June 25, 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 559, "An Act To Change Document Filing and Copying Fees for County Registries of Deeds."

This bill increases the fees charged by Registries of Deeds to record the first page of a deed and to record plans. These fee increases are nearly 50% and over 33%, respectively. At a time when Mainers are struggling and our housing market is just beginning to rebound, we cannot go back to their wallets and take more. We have heard from some Registers who oppose this bill and I firmly believe that county government, like the federal, state, and local governments, can tighten its belt. The problem we face is a spending problem, not a revenue problem.

For these reasons, I return LD 559 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Change Document Filing and Copying Fees for County Registries of Deeds

H.P. 378 L.D. 559

Comes from the House, 107 members having voted in the affirmative and 39 members having voted in the negative, the veto of the Governor was **OVERRIDDEN** and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, L.D. 559 had a unanimous report out of committee. I have to say most of the committee members were impressed with the amount of work done collaboratively with the registries of deeds across the state. Many of them, and also county commissioners and county employees, worked together to craft a solution that addressed some of the changes brought on by the dawn of the internet era. I'm disappointed in the Governor's veto. I urge you all to vote to override it because this is something that most of our counties asked for. Thank you very much.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#351)

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

NAYS: Senators: BURNS, COLLINS, CUSHING, MASON, THIBODEAU, THOMAS, WHITEMORE, YOUNGBLOOD

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, and 27 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Agriculture, Conservation and Forestry**

The **Department of Agriculture, Conservation and Forestry**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-Target Deposition, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

H.P. 1137 L.D. 1567

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Pursuant to Statute

Department of Agriculture, Conservation and Forestry

The **Department of Agriculture, Conservation and Forestry**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 20: Special Provisions, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

H.P. 1138 L.D. 1568

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Pursuant to Statute

Department of Agriculture, Conservation and Forestry

The **Department of Agriculture, Conservation and Forestry**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 51: Notice of Aerial Pesticide Application, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

H.P. 1139 L.D. 1569

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

ENACTORS

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

Acts

An Act To Clarify Certification of Navigators and the Availability of Regional Health Plans

S.P. 376 L.D. 1094
(S "A" S-314 to C "A" S-185)

An Act To Amend the Retirement Laws Pertaining to Participating Local Districts

H.P. 1034 L.D. 1440
(C "A" H-568)

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

Ordered sent down forthwith.

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

COMMUNICATIONS

The Following Communication: H.C. 241

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

June 26, 2013

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

Dear Secretary Grant:

House Paper 417, Legislative Document 598, "Resolve, Directing All Relevant Agencies of State Government To Work in Concert with a Plan To End and Prevent Homelessness To Ensure That Resources Are Available To End Homelessness in the State," 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?"

96 voted in favor and 52 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 503, Legislative Document 752, "Resolve, To Require the Department of Health and Human Services To Study the Effectiveness of Professional Development Services Provided to Child Care Providers and Referral Services Provided to Parents in Need of Child Care," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

91 voted in favor and 57 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 528, Legislative Document 777, "An Act To Protect Working Mothers Who Breast-feed," 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?"

92 voted in favor and 56 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 635, Legislative Document 911, "An Act To Increase Revenue for the ATV Recreational Management Fund," 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?"

96 voted in favor and 52 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 934, Legislative Document 1315, "Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Stakeholder Group To Review Changes in Federal and State Regulations and Rules Governing Compounding Pharmacies," 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?"

92 voted in favor and 55 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 576, Legislative Document 825, "Resolve, To Study Climate Change and Implement the Recommendations of the Department of Environmental Protection Report on Climate Change," 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?"

98 voted in favor and 50 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 959, Legislative Document 1342, "An Act To Authorize the Public Advocate To Mediate Disputes Related to Rates for Sewer Service," 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?"

88 voted in favor and 59 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 255, Legislative Document 380, "An Act To Clarify the Law Concerning the Threatening Display of Dangerous Weapons," 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?"

79 voted in favor and 69 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 874, Legislative Document 1240, "An Act To Promote the Safe Use and Sale of Firearms," 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?"

77 voted in favor and 71 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 967, Legislative Document 1349, "An Act To Amend the Appointment Process for the Maine Charter School Commission," 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?"

96 voted in favor and 51 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 620, Legislative Document 897, "An Act To Establish the Volunteer Advocate Program and the Volunteer Advocate Program Council," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

94 voted in favor and 52 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Assistant Clerk of the House

READ and ORDERED PLACED ON FILE.

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MAZUREK** of Knox, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Improve the Accuracy of Fuel Tax Reporting
S.P. 341 L.D. 996
(C "A" S-109)

Tabled - June 3, 2013, by Senator **MAZUREK** of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, May 22, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-109).**)

(In House, May 31, 2013, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION, NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **MAZUREK** of Knox, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Allow Ignition Interlock Devices on Vehicles Operated by First-time Offenders of Operating Under the Influence
H.P. 899 L.D. 1260
(C "A" H-369)

Tabled - June 11, 2013, by Senator **MAZUREK** of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, June 7, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-369)**, in concurrence.)

(In House, June 10, 2013, **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 **MAZUREK** of Knox, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Amend the Motor Vehicle Laws
S.P. 494 L.D. 1392
(C "A" S-133)

Tabled - June 3, 2013, by Senator **MAZUREK** of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, May 29, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-133).**)

(In House, June 3, 2013, **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-133).**

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-133).

On further motion by same Senator, Senate Amendment "A" (S-323) to Committee Amendment "A" (S-133) **READ** and **ADOPTED.**

Committee Amendment "A" (S-133) as Amended by Senate Amendment "A" (S-323) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-133) AS AMENDED BY SENATE AMENDMENT "A" (S-323) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

All matters thus acted upon were 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:

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Order

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill" (EMERGENCY) H.P. 1141 L.D. 1572

Reported that the same **Ought to Pass**, pursuant to Joint Order, H.P. 1140.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

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

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

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

ENACTORS

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

Act

An Act To Provide for Economic Development with Offshore Wind Power

H.P. 1053 L.D. 1472
(S "D" S-321 to C "A" H-525)

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:

Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor

H.P. 893 L.D. 1259
(S "A" S-318 to C "A" H-257;
S "A" S-246)

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

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

COMMUNICATIONS

The Following Communication: H.C. 224

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

June 19, 2013

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

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1559, "An Act To Reduce Energy Costs, Increase Energy Efficiency, Promote Electric System Reliability and Protect the Environment."

As the Legislature is well aware, I have had significant concerns with this bill. While there are some positives found within it, there are also fee increases on Maine people and significant risk with new authority provided to the PUC. I believe we can do more to encourage lower cost electricity, including hydroelectric, and should focus our limited resources on directly lowering heating costs. Lastly, I know we can provide more relief to Maine businesses and consumers by reducing the add-ons to our electricity bills.

However, in order to work with the committee, the chairs and I came to an agreement on one additional provision. I gave my word that, if that one additional provision was included, I would let this bill go into law without my signature. It was a request that the Legislature provide the University of Maine the opportunity to compete for offshore wind development. There are many things we can disagree on, but we should all agree that our flagship university deserves the opportunity to compete on a level playing field. For the State, it is simply the right thing to do.

For these reasons, I return LD 1559 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Reduce Energy Costs, Increase Energy Efficiency,
Promote Electric System Reliability and Protect the Environment
(EMERGENCY)

H.P. 1128 L.D. 1559

Comes from the House, 121 members having voted in the affirmative and 11 members having voted in the negative, the veto of the Governor was **OVERRIDDEN** and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, it's been a long time getting to this point this evening where we have this very important bill, which is L.D. 1559. I know there's been a lot of attention paid to this. I wanted to read a portion of a letter that I have in my hands for the Chief Executive. It's dated June 26, 2013. I think it's incredibly important that everybody know and understand what's in this letter. It says, "As you know, L.D. 1472, An Act to Provide for Economic Development With Off-Shore Wind Power, passed the Legislature that would have accomplished what the chairs and I agreed upon, allowing an equal playing field for our University to compete for off-shore wind development. Effectively, this provision has been addressed. As a result enactment, L.D. 1559 should proceed into law. Thank you for your consideration." It's signed by Paul R. LePage. I'm very pleased that, through cooperation from both parties, we've been able to achieve this very important objective and look forward to doing exactly what the Chief Executive has encouraged us to do. When all three branches, or both branches, of government, we don't want to involve the Judiciary here, agree that this very important piece of legislation should, indeed, become law. Thank you.

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

Senator **GOODALL:** Thank you Mr. President. I rise today to speak about the override that is in front of us and the importance of moving forward in overriding the current veto. This bill will put Maine, or potentially put Maine, on a much stronger footing. It is in our best objective to move forward and strongly vote. There are some challenges in this bill. There are some great opportunities. I think that's what we're here to do tonight. It's also important to note that in this bill, itself, it gives a real opportunity to make investments in natural gas so that our mills can become stronger and our families can, potentially, have lower energy bills, but also there are some potential challenges in the bill. We've got to make sure when the state moves forward that these investments, these investments that some of the ratepayers will make, that are critically important, are done correctly; done correctly so they are minimizing the impacts on Maine's families and at the same time we improve our overall economy. We've got great opportunities with this bill and I think it's important that we all act, and we act unanimously, to override the Governor's veto. Thank you, Mr. President.

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

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

A vote of yeas was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#352)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

ENACTORS

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

Act

An Act To Protect Cellular Telephone Privacy
S.P. 484 L.D. 1377
(S "A" S-322 to C "A" S-278)

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

Ordered sent down forthwith.

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

ENACTORS

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

Emergency Measure

An Act To Delay the Implementation of Changes to the Business Equipment Tax Exemption

S.P. 611 L.D. 1570

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

Ordered sent down forthwith.

Emergency Measure

An Act To Prevent the Double Funding of Certain MaineCare Costs

S.P. 612 L.D. 1571

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

Ordered sent down forthwith.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (6/17/13) matter:

An Act To Lower Costs to Municipalities and Reduce Energy Consumption through Increased Competition in the Municipal Street Light Market

H.P. 885 L.D. 1251
(C "A" H-472)

Tabled - June 17, 2013, by Senator **CLEVELAND** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 13, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-472)**, in concurrence.)

(In House, June 17, 2013, **PASSED TO BE ENACTED.**)

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

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

Senator **CLEVELAND:** Thank you Mr. President. Men and women of the Senate, this specific bill is in the omnibus bill that we just passed 35-0. We kept this as kind of a safety bill in case, at the end, we needed it, but the exact language in this bill you have just enacted into law in the omnibus bill. This is simply a duplicate and that's why I'm moving for Indefinite Postponement.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/18/13) matter:

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

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

Pending - **ENACTMENT**, in concurrence

(In Senate, June 17, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-292).**)

(In House, June 18, 2013, **PASSED TO BE ENACTED.**)

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

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

Senator **CLEVELAND:** Thank you Mr. President. Men and women of the Senate, this is exactly the same situation. The language in this particular bill, L.D. 697, is in the omnibus bill we just passed. It's absolutely duplicate language. We kept this bill, as well, in case there a need for it at the very end. Since you've very generously passed the omnibus bill this is a duplication and we don't need to proceed with it.

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

Sent down for concurrence.

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Act

An Act To Amend the Motor Vehicle Laws
S.P. 494 L.D. 1392
(S "A" S-323 to C "A" S-133)

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

Ordered sent down forthwith.

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

ENACTORS

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

Emergency Measure

An Act To Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill
H.P. 1141 L.D. 1572

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

Ordered sent down forthwith.

Off Record Remarks

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

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

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

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator **CLEVELAND**: Thank you Mr. President. Men and women of the Senate, I just wanted to take a moment. It's been a long and arduous journey to the completion of the omnibus energy bill. I want to thank each and every one of you for that unanimous vote to make that critically important and historical law part of Maine law. Thank you very, very much.

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Thursday, June 27, 2013, at 10:00 in the morning.