

# 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  
Tuesday  
July 9, 2013

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

Prayer by Senator Geoffrey M. Gratwick of Penobscot County.

**SENATOR GRATWICK:** Good morning. As I approach my 70<sup>th</sup> birthday a week from now, I'm increasingly aware of how short a time we spend on this planet. We all share this common fate. Although all too often I fall short of my aspirations, I believe that the better we can care for one another the better we are able to see the world through another's eyes, and the better we are able to relieve the suffering of our fellow human beings, the greater the worth of our lives will be. I'd like to leave you with the words of the Quaker missionary, Etienne Grellet, from 200 years ago.

I shall pass this way but once. Any good that I can do or any kindness I can show to any human being let me do it now. Let me not defer nor neglect it, for I shall not pass this way again.

Pledge of Allegiance led by Senator Thomas B. Saviello of  
Franklin County.

Reading of the Journal of Thursday, June 27, 2013.

Off Record Remarks

**COMMUNICATIONS**

The Following Communication: S.C. 517

STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR

28 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 745, "An Act To Promote Sustainable Food Policies."

My Administration supports the work of the Legislature to assist farm enterprises and commodity groups in implementing solutions to problems that impact the future of agriculture in Maine. However, LD 745 reinvents the wheel on many efforts already underway – efforts with which my Administration is already involved.

By way of example, the Maine Grocer's Association and the Maine Food Producers Alliance recently held a strategic planning session to help better position their industry sector. The Agricultural Council of Maine also just recently completed a strategic planning process and has published a list of initiatives they are supporting to resolve issues for Agriculture. The Maine Farm Bureau has a yearly planning process for all their members; this yearly initiative helps the Administration and Legislature target high priority issues. There are also many initiatives supported by independent foundations such as the New England Food Systems Strategic Planning Process, championed by a consortium of regional NGO's, including the Muskie Institute and supported by the University of Maine Cooperative Extension. In addition, the New England Farm to School Network is conducting a strategic planning process, and the Broadreach Foundation is supporting a Food Systems Strategic Planning Process.

In fact, many of the Department of Agriculture, Conservation and Forestry programs can be traced to the good work of Agricultural Commodity Group's planning processes and a Department liaison is maintained for each of the non-profit initiatives. Should the legislature or members of the legislature also wish to engage with strategic planning of this nature it should do so by making connections with any number of the groups and projects listed here. Passing this redundant and unnecessary bill is not the answer and would be a waste of taxpayer dollars.

For these reasons, I return LD 745 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 Promote Sustainable Food Policies  
S.P. 283 L.D. 745

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to rise today and give quick remarks on this bill that came before the Agriculture, Conservation and Forestry Committee. There certainly seems to be an issue of some people not being able to know exactly when they are going to get their next meal. There is a report up (Due to

technical difficulties, some of Senator Jackson's remarks were regrettably not recorded) counties in Maine having a rise in people that are going to bed at night not having their three square meals a day. We heard in the committee, Agriculture Committee, from the Agriculture Department that there is a problem, that demand is growing more rapidly than they can do anything about. There is an issue there that certainly needs to be addressed. The Administration's veto letter talks about a lot of different groups that may or may not be working on this issue, but we didn't hear any of that in committee. I really don't understand why it would be a bad thing to have a group of people get together and try to work on food sustainability, getting people together to try and help some of these families with the problem of not having enough food, even so far as soup kitchens have an extreme amount of people showing up at their doors and food going to waste, not having a place to be delivered to. All these things could be at least talked about and looked at and have a report back to the Legislature. This veto letter talks about how people could get the numbers of these possible groups and call them to see what they could do. I don't think that's how the Legislature normally operates. We do things here, or hear from groups that come and report to the Legislature, ways to make issues like this better. That was what this bill was designed to do. A great many of us supported it. I just don't see how it can be a bad thing for the Legislature to look at this issue that even the Agriculture Department sees as a problem and try to come to some conclusions on how to fix it. That's what this bill attempted to do. I thought it was a valiant effort and I'm just struck by why we wouldn't want to do something like this. I would ask that you vote to override this.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise to also lend my support to overriding this particular veto. For me, this bill was next in the progression of what came through the Legislature this session regarding issues of food security, food sovereignty, and other, I would say, sort of farm to plate issues. I had the pleasure of working with the Senate President on this particular issue. Our folks out there need a place to go where they can vet their ideas. This particular commission would put large scale producers and small scale producers together to address some of the issues that came through of over regulation for our small farmers. I think these folks really need a place to be heard. Had not the good Senate President put this bill in at this time, it was on my list to do in the next session. With that, I'll be casting a green light. 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 (#362)**

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

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

**ABSENT:** Senators: CRAVEN, MILLETT

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

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The Following Communication: S.C. 518

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

2 July 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> 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 1232, "An Act To Maintain the Integrity of the Fund for a Healthy Maine."

This bill does not have any legal effect, since a future legislature can simply pass another law "notwithstanding" this one. If it was put forward solely to score political points against a legislator or governor by claiming that future budget proposals are "illegal," then I am disappointed for Maine people. It is time to stop using the legislative process for political games and focus on the real issues hardworking Maine families care about.

For these reasons, I return LD 1232 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 Maintain the Integrity of the Fund for a Healthy Maine  
S.P. 426 L.D. 1232

**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 to urge you to join me in voting to override the veto of L.D. 1232. This bill is very simple. "An Act to Maintain the Integrity of the Fund for a Healthy Maine." The Fund for a Healthy Maine was created in 1999 as a way to receive and disperse Maine's annual Tobacco Settlement payments. This is our state's primary investment in public health and preventative healthcare. It is cost effective and it is sensible. This is a simple bill, a simple bill that removes four words from statute and maintains the integrity of a program that lowers healthcare costs in Maine. This bill follows initiatives over several years to increase transparency and accountability in the Fund for a Healthy Maine. This bill was amended off the table and it was amended to move effective date to 2016. Beginning in 2016 it would say that funds that come into the Fund for a Healthy Maine have to stay in the Fund for a Healthy Maine and be used for the intent of the Fund for a Healthy Maine, again, prevention, wellness, making sure we keep healthcare costs low in our state. I ask you to help me override this veto today because this bill is about public health and nothing more. It's an easy vote. It's an easy concept. It's simply the right thing to do. 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 (#363)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, DUTREMBLE, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, 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

**ABSENT:** Senators: CRAVEN, MILLETT

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, and 18 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. 519

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

2 July 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> 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 1235, "An Act Regarding School Construction."

This bill undermines the statewide system we use to finance and build new schools. It allows municipalities to start spending money before they receive it while allowing those towns to pass the bill onto the state. If a school unit wants to get a jump start on planning for future buildings, they are already free to do so if they cover the cost. But this bill would leave towns free to spend state money without state input.

Letting this bill become law would do little more than reduce transparency and accountability in school construction by allowing accounting tricks to hide the cost of decisions made by local officials. Whether the money comes from the local government, state government, or the federal government, a tax dollar is a tax dollar. Maine people deserve the opportunity to hold their elected officials accountable for how their tax dollars are spent. This bill would work against that.

For these reasons, I return LD 1235 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 School Construction

S.P. 429 L.D. 1235

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 (#364)**

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

ABSENT: Senators: CRAVEN, MILLETT

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, and 18 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. 520

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

8 July 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 1181, "An Act To Further Strengthen the Protection of Pregnant Women and Children from Toxic Chemicals."

Of paramount importance to me as Governor is the health and well-being of Maine women, children and families. For this reason, I supported a bill during the last legislative session that strengthened Maine's Priority Chemicals law making Maine's program one of the most rigorous programs in the country. LD 1181, however, vastly expands the changes that have so recently been made, and constitutes a serious unfunded mandate. The original bill would have required \$750,000 in additional resources to the Department of Environmental Protection to implement the required programmatic changes. A redraft of the bill to make agency rule changes discretionary and to direct additional work to be undertaken "within existing resources" creates an unfunded mandate. These efforts will require significant resources and such resources are not forthcoming. The Agency can't do something with nothing.

Further, the bill would establish actions of other states as "credible scientific evidence" for Maine to follow, regardless of whether other states use scientific analyses to reach their conclusions. Additionally, this bill would require the state of Maine to once again re-visit which chemicals are considered chemicals of "high concern" while no fiscal support is being provided for this work load.

A minority of the Environment and Natural Resources Committee reported out a reasonable amendment to this bill that provided opportunities for public participation but enabled the Department to conduct scientifically sound program development under the existing law. In addition, the federal government, through potential amendments to the Toxic Substances Control Act, may be exploring reasonable and consistent measures to address these concerns. I am willing to engage further in such dialogue but the bill as drafted goes too far and constitutes an unfunded mandate.

For these reasons, I return LD 1181 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 Further Strengthen the Protection of Pregnant Women and Children from Toxic Chemicals

S.P. 418 L.D. 1181

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

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

**ROLL CALL (#365)**

The Following Communication: S.C. 521

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

8 July 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> 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 1573, "An Act To Extend the Authorization for the Maine Education Effectiveness Council."

This bill extends the life of a council that has already done great work. Its recommendations are before the Legislature now in LD 1542. There is no reason to extend the life of this council if the rules do not move forward – there is nothing to implement. The simple fact is the rules are being held hostage because some interest groups do not want objective standards. If we are not serious about increasing teacher effectiveness, then there is no need to have this council continue its work.

For these reasons, I return LD 1573 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 Extend the Authorization for the Maine Education Effectiveness Council

S.P. 615 L.D. 1573

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.

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

ABSENT: Senators: CRAVEN, MILLETT

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, and 18 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. 522

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

8 July 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> 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 890, "An Act To Buy American-made Products."

Setting the substance of this bill aside, I have major concerns with any bill that is projected to cost nearly \$300,000 but the cost is mysteriously cut to \$40,000 in the last moments of a legislative session. Additionally, I question why we are spending over \$10,000 through LD 1554 trying to promote cross-border trade with Canada and simultaneously cutting them off from opportunities to trade with us. It seems inconsistent, at best.

The simple fact is that, on May 1, 2012, I signed an Executive Order directing the use of Maine-focused economic impact criteria in the evaluation of competitive bids. When spending taxpayer dollars, the State should look to ensure we get the best possible deal, and that includes dividends earned by spending money at home. My administration has been and will continue to be focused on doing just that.

My concern with this bill is that it is too restrictive and does not recognize the realities of the Maine economy today. We have companies like L.L. Bean which source and sell products all over the world. We have Maine lobster certified by the Marine Stewardship Council, allowing us to gain market share all over the world. And my administration has been focused on lowering energy costs, recruiting other New England states to follow our lead, by reaching out to Quebec and their vast hydroelectric resources. The reality is we live in a global world and this law, while small in the big picture, could cause negative consequences for Maine businesses if other countries followed our lead.

Mainers and Americans can compete with any country in the world in both quality and price if we compete on a level playing field. Letting this bill become law would say to American workers that their products cannot compete unless the deck is stacked in their favor. I cannot and will not say that. In Augusta, we must refocus our efforts to help Maine companies compete globally – that is how we will make our economy strong.

For these reasons, I return LD 890 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 Buy American-made Products  
S.P. 311 L.D. 890

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

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

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The Following Communication: S.C. 523

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

8 July 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> 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 443, "An Act To Amend the Maine Workers' Compensation Act of 1992 To Provide Benefits to Seriously Injured Workers."

This is yet another bill seeking to undo changes made in the 125<sup>th</sup> Legislature. It weakens standards that require individuals seeking compensation to search for a job. Maine law currently provides well-established, court-tested guidance on what an adequate work search is – this bill would overly simplify it by simply plugging in a number.

Additionally, this bill will drive up workers' compensation costs, hurting both Maine businesses and hardworking Mainers who want a job. We need to refocus our priorities on reducing costs, not raising them. Businesses cannot invest in new talent or new equipment if the government constantly has its hand in their pocket. That reality may not be popular, but it is reality nonetheless.

For these reasons, I return LD 443 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 Maine Workers' Compensation Act of 1992 To Provide Benefits to Seriously Injured Workers  
S.P. 175 L.D. 443

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, again I wanted to rise and speak a little bit on L.D. 443. This was a bill that I sponsored that used Executive Director Sighinolfi's language from last session, the compromise that he had come up with. This bill would have made sure that people that were the most egregiously hurt ones in the Workers' Comp system would not be, basically, thrown off the system after 10 years. Being especially that it was the Executive Director that came up with the language last session, we felt it was appropriate to put it forward this year and the fact that it was going to make sure that the people that were no doubt the most seriously injured would continue to get Workers' Comp benefits after 520 weeks. One of the things that I find striking about this, a lot of times whenever you have an employee working for you, someone that has done a great job for you all the time, they've worked for you and if, by some unfortunate mishap, they were seriously injured, most business owners, I would think, would be very concerned about their employee. I mean, we all know that employees are the thing that is a great asset to any business owner. If this one employee was to get hurt to a point where they weren't going to be able to return to do that same job ever, I would think that most employers would want to make sure that person was taken care of throughout the time of their injury. The way the current law is, after 10 years these people would be taken off the system and that employer that had that great employee is not going to be able to do anything about it. I would think that most employers would not want their employees to be



thrown off the system after 10 years like that. I think most employers definitely care for their employees and the law we passed last year is going to take these most egregiously ones that are definitely hurt, are not perpetrating fraud, the ones that we know for a fact are going to be probably maimed for their entire life, and takes them off the system after 10 years. Those employers can do nothing to help those employees of theirs. I would have a hard time facing a past employee of mine after 10 years and say, "I'm sorry. There is nothing I can do about it. I agree with you 100% that you should be continuing to get your service, but the law is that there is nothing I can do about it now." I think that there is going to be a lot of employers 10 years down the road that are going to be shocked to find out that their employee was thrown under the bus. This bill would have corrected that, would have cost very little to the system by Executive Director Sighinolfi's testimony from last session, and I would hope that we can get this overridden. Thank you.

**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 to ask for your support of the Governor's veto of this perhaps well-intentioned but poorly crafted legislation. Mr. President, the language referred to of the Executive Director's is not, in fact, something that was presented to the committee. There were many discussions that went on. During the last session of the Legislature, the 125<sup>th</sup>, there was a panel of 13 members commissioned by the Labor, Commerce, Research and Economic Development Committee to review the Workers' Compensation legislation and come back with a report to the committee in the second year of the session. There were members of the organized labor community. There were employers who had represented workers. There were lawyers who had represented management. There were business representatives. There were several of us in the Legislature who were on that committee. They did a fairly thorough and comprehensive review of the language and came back with some very reasonable proposals which were designed to help the injured worker who was truly injured to expedite the process.

What we're dealing with here, Mr. President, in my opinion, is a dream come true for Workers' Comp lawyers. This is another opportunity to drag the injured worker through a process where the attorney benefits from the longer period that an individual is out of work and the higher the expenses associated with that case. Injured workers are people that the employer values, as they do any worker they have. They are most concerned when somebody has been injured that plays a critical role in their business and wants them to be back as soon as possible. Workers' Comp insurance is like many insurances that we carry in our life for unexpected and unfortunate circumstances. In this case, we have done our best to expedite the process. We have had this in place for less than a year now. It is clear from the reduction in rates due to some of the positive changes that went on and the improvements that we offered to employees who may wish to go forward and seek alternate training or employees who may be in a position where they want to get back to work but cannot do so in their company. We've offered them opportunities in this new legislation. To me, it seems strange that we would want to revert to a time when this state was forced to shut down government in order to get reforms in Workers' Comp. We had much discussion in this Body about the negative effects of that

shut-down and this was clearly the result of an unwillingness to reflect on positive changes. This bill, if it were passed, would cost private companies, in their insurance, according to NCCI, which does reviews of a number of state's Workers' Comp policies, between \$14 million and \$26 million. For the State, who insures their Workers' Comp employees, it would be between half a million and \$2 million. Clearly, this is a cost, at a time when the economy is not doing well, that we can't afford. I thank you for your time and consideration.

**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 rise in opposition to the Executive's veto and would ask you to vote your green to override this veto. I believe, from the last session, what this bill is doing, and this bill and every bill since 1992, is actually changes to the Workers' Comp Act of 1992. The legislation that was passed in the 125<sup>th</sup>, Mr. President, was actually changes to the law, the grand scheme of the 1992 reforms. Every bill was a change to that grand bargain. Actually, what we're looking to do is what the good Senator from Aroostook said, to actually take what Director Sighinolfi brought forward as the grand bargain of the group of 13 came back and this is what they gave us. Then the gang of six got together and said, "This is not enough. What we want to do is we want to throw the most vulnerable, the most injured workers under the bus and run them over with a bulldozer." That's exactly what we have on the books right now, Mr. President. I cannot imagine, for the life of me, how we wouldn't want to go back to what was originally proposed through the Director of the Workers' Comp Bureau. This bill simply says that we're going to give them what they actually asked for. Nothing more, nothing less. It's interesting that in the last Legislature the cost of this didn't come into play, but yet now we think it's going to cost millions and millions of dollars on a projection from NCCI on something that they don't even have. I have a lot of questions about whether or not the accuracy of what they are bringing forward this time.

Ladies and gentlemen, we are not talking about those questionable injured workers that may have a supposed bad back and all of a sudden they are out in their backyard throwing five cords of wood in. Those are what they used to call malingers or phonies, or whatever you want to put. What this bill does is try to correct some of the egregious components of what was passed in the 125<sup>th</sup> and to make subtle changes, not huge changes, and stop giving the monies to the insurance companies and the insurance companies' executives. If one remembers, in 1992 there were only two or three insurance companies in the state of Maine. It was a system that was broken. Right now, ladies and gentlemen, there are hundreds of Workers' Comp carriers in the state of Maine because the business is lucrative. Lucrative for them and not the injured workers. Mr. President, I think a Workers' Comp system, in whatever state you have, should be a balance approached where it's a win-win situation for both, although an injured worker is never a winner because he is injured and chances are he may never fully recover from his injuries. What we've got to do with this is we've got to overturn this veto and do something fair for the injured workers of the state of Maine. I would ask you, ladies and gentlemen of the Senate, to please 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 (#366)**

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

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

**ABSENT:** Senators: CRAVEN, MILLETT

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, and 17 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.

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The Following Communication: S.C. 524

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

8 July 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> 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 703, "An Act To Make Post-conviction Possession of Animals a Criminal Offense."

Abusers get no sympathy from me, whether their victims are people or animals. However, this bill is legislative overreach. It

takes away discretion from the third branch of government. Our judicial system is equipped to handle these cases and order the appropriate punishment. We do not need a law to address the problem. Additionally, this bill creates an entirely new bureaucratic process to provide relief from the penalties it imposes. We have courts for a reason – let them handle these matters.

For these reasons, I return LD 703 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 Make Post-conviction Possession of Animals a Criminal Offense

S.P. 252 L.D. 703

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

Senator **MAZUREK:** Thank you Mr. President. Ladies and gentlemen of the Senate, the reason I offered this bill was that a constituent, a couple of them actually, came to be about the practice of cruelty to animals. It's one of these crimes that goes below the radar. It's more frequent and more deadly than you think because we never read about it in the papers, we never see it in public, but it's there. It exists. This is my attempt to offer a little teeth to make those people who are convicted of cruelty to animals pay a stiffer penalty. I really hope you would support this. Thank you.

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

Senator **GERZOFISKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, rise and shine. We're going to have a little conversation now about trying to do what I was elected to do; to come here and represent the people in my district. I fully am aware that the Chief Executive has his role and I have mine. I'm a State Senator and I'm here to object to his veto and I'm going to try to override. I also know how to count, Mr. President. I learned that about the first grade. I'm missing two of my members today that supported this bill in the past. We still are going to get up and discuss it because I think that's what we were sent here to do.

A half dozen other states have chosen to enact this law and those chose to enact this law for a reason. The reason is to get the court a little bit of teeth once you've been convicted of abusing an animal; that defenseless creature that will come and lick your hand and lick your face, no matter if there is a frown on your face or tears in your eyes. The creature you're going to abuse is going to be a child or another defenseless person. We know that by every study that's ever been conducted on this subject. All this bill does is says after you've been convicted of abusing animals, after you've been convicted of having a puppy

mill, abusing animals, costing the State of Maine a lot of money to clean up, it's going to be a Class D misdemeanor to have another animal for a period of time. It's not putting you in jail, like I've heard people trying to say. It's not trying to recreate the judicial system, like I've heard some people say. All it does is say if you have committed this crime, knowing the consequences, and the court says you are not to have another animal for a period of time, whether it's a Class D abuse of animal or a Class C abuse of animal, you're not going to have another pet, you're not going to have another animal on your premises, you're not going to control another one, you're not going to abuse another one. You can go to the Commissioner of Agriculture and talk about extenuating circumstances and maybe get that reduced a little bit. That this bill does. I can't, for the life of me, understand why we wouldn't, as a state and as a caring and compassionate state as we are, a state that realizes the domestic violence problem that we have and a state that realizes where a lot of that originates, want to pass this in the first place, which we did, and why we wouldn't want to overturn the Chief Executive's veto on this, which I think we should do. I'm a realist, Mr. President, and I know darn well that this is an uphill battle. A lot of our constituency don't get a fair shake and don't get a fair hearing.

We all know pets don't vote, but the next step is when these same people start taking out their actions on other defenseless people that sometimes don't have a big enough voice here; our children, our spouses, our weaker people in society. They need to be represented here and this bill is a step doing that. It's about animal abuse, but let's all remember where that leads to and let's all remember that this is just giving the courts a little bit of authority by saying if you commit this crime time and time again, if you commit this crime we're going to tell you that you can't have animals for a period of time on your premises to continue to abuse. This does not say you're going to jail. It says it's going to be a Class D misdemeanor. My friends here that defend these cases in court, my lawyer friends in this room, know darn well that that can be dealt with with a fine, it can be dealt with with treatment, counseling. It doesn't have to send you to jail because it won't send you to prison. A Class D crime will only get you a little bit of jail time in your county jail.

Mr. President, I hope that even though I'm down two of my supporters on this issue that we can make up with it with friends on both sides of the aisle that see this issue the same as I do, as a very big problem. We know what domestic violence is. We know what animal abuse is. We know how to try to straighten it out. We need to give the courts the authority and the teeth to make this bill happen. Thank you very much and I hope people will follow my light and try to overturn the Chief Executive's veto on this issue. I thank my friends on both sides of the aisle for listening to me rant. Thank you very much. The people in my community sent me here to do this.

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, that is a hard act to follow. I am sure animal abusers get no sympathy from any member of this Legislature. However, this bill is an over reach. It takes away the discretion from the Judicial Branch of government. We do not need a new law, another law, to address this problem. Judges already have the tools that they need. As I said during the initial debate, we need to allow our judges to judge. Additionally, this bill would

create an entirely new bureaucratic process to provide relief from the penalties that are imposed. We do not need more bureaucracy. 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 (#367)

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, DUTREMBLE, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, 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

**ABSENT:** Senators: CRAVEN, MILLETT

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, and 18 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.

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The Following Communication: S.C. 525

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

8 July 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> 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 1103, "An Act To Encourage Development in the Logging Industry."

This bill is part of a coordinated attack on Maine's forest products industry. Among other things, it says certain forest land may not benefit from State-supported forest fire protection. I cannot fathom why we would want to leave land vulnerable to forest fires to score political points. Letting land burn will harm loggers, landowners, tourists, sportsmen, and countless others. Are political games really worth that?

For these reasons, I return LD 1103 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 Encourage Development in the Logging Industry  
S.P. 385 L.D. 1103

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, again I rise to ask you to override the veto on this bill. I just wanted to get up and say that I guess more than anything it's the message coming from the Chief Executive, talking about the bill being a coordinated attack on Maine's forest products industry and that we're not going to let any forest land that catches on fire have anyone put it out. That's absolutely not true. There isn't going to be any fires that burn needlessly because of this bill or anything like that. The part about being a coordinated attack, I think that there is some truth on that, but it's not a coordinated attack from the sponsor or the people that originally voted for the bill. This is an idea that we're going to take our tax money and make sure that Maine people are supported by that tax money by the jobs that are provided for on that land. I'm struck by some of the comments that I've heard in the past. Quite honestly, I just heard one comment about not having more bureaucracy. This bill would take away some of that bureaucracy. Some of the comments I've heard about in the past about letting the free market play out, let people get jobs on their own. Yet here we are today with a veto that has us saying, "No, let's not let the free market work on its own. Let's take a government program and use it to get cheaper foreign workers in that displace American workers." That's basically what we have here. We're not going to let the free market work on its own; people go out and get the jobs that they want and negotiate the rates that they want. Instead we're going to use a government program to come in and displace Maine workers. That seems to me to be more bureaucracy, not letting the free market work like so many people in this Chamber talk about, but instead getting the government to come in and work against the common good of the Maine people that we're all voted to be here and represent. I don't have to speak any more about that. Everyone can go home and let their conscience speak for themselves. This is certainly a

bill that I can't see how anyone that's elected by Maine residents would to support not doing the override. 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 (#368)**

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

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

**ABSENT:** Senators: CRAVEN, MILLETT

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, and 17 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.

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**ORDERS**

**Joint Resolution**

Joint Resolution in Memoriam:

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

The Honorable William D. Hathaway, of Lewiston, former United States Senator and Congressman, who served the State and the Nation with great distinction. Born in Cambridge, Massachusetts, William Hathaway enlisted in the military at the age of 17 and served in the United States Army Air Corps during World War II. He was shot down while bombing Romanian oil fields during Operation Tidal Wave and was a prisoner of war for over 2 months. He was awarded the Air Medal, the Purple Heart and the Distinguished Flying Cross, and met his wife of 62 years, Mary

Lee Bird Hathaway, in 1945 when she was a flight nurse in a San Antonio hospital and he was her patient. After the war he attended Harvard University and Harvard Law School and then moved to Maine to practice law in Lewiston. He served as Assistant County Attorney for Androscoggin County and was a Hearing Examiner for the State Liquor Commission. He served as chairman of the Maine Democratic Party before being elected to Congress in 1964. A liberal Democrat who had strong backing from organized labor, Senator Hathaway served 4 terms in the United States House of Representatives from northern Maine's 2nd District and served in the United States Senate from 1973 to 1979. After leaving the Senate, Senator Hathaway practiced law and was a lobbyist in Washington, D.C., and served 6 years on the Federal Maritime Commission, which he chaired from 1993 until his retirement in 1996. Senator Hathaway proudly devoted his professional and personal energies to the betterment of the citizens of the State and Nation and he will be fondly remembered by his loving family, colleagues and many friends;

SLS 529

Sponsored by Senator CRAVEN of Androscoggin.  
 Cosponsored by Senators: President ALFOND of Cumberland, BOYLE of Cumberland, BURNS of Washington, CAIN of Penobscot, CLEVELAND of Androscoggin, COLLINS of York, CUSHING of Penobscot, DUTREMBLE of York, FLOOD of Kennebec, GERZOFISKY of Cumberland, GOODALL of Sagadahoc, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LACHOWICZ of Kennebec, LANGLEY of Hancock, MASON of Androscoggin, MAZUREK of Knox, MILLETT of Cumberland, PATRICK of Oxford, PLUMMER of Cumberland, SAVIELLO of Franklin, SHERMAN of Aroostook, THIBODEAU of Waldo, THOMAS of Somerset, TUTTLE of York, VALENTINO of York, WHITEMORE of Somerset, WOODBURY of Cumberland, YOUNGBLOOD of Penobscot, Representatives: AYOTTE of Caswell, BEAR of the Houlton Band of Maliseet Indians, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BENNETT of Kennebunk, BERRY of Bowdoinham, BLACK of Wilton, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROOKS of Winterport, CAMPBELL of Newfield, CAMPBELL of Orrington, CAREY of Lewiston, CASAVANT of Biddeford, CASSIDY of Lubec, CHAPMAN of Brooksville, CHASE of Wells, CHENETTE of Saco, CHIPMAN of Portland, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DICKERSON of Rockland, DILL of Old Town, DION of Portland, DOAK of Columbia Falls, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of

Portland, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, KUSIAK of Fairfield, LAJOIE of Lewiston, LIBBY of Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McELWEE of Caribou, McGOWAN of York, McLEAN of Gorham, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Fort Kent, NADEAU of Winslow, NELSON of Falmouth, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, PEAVER HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of Augusta, POWERS of Naples, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus.

**READ.**

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise briefly to make sure that the Senate today acknowledges the loss to the great state of Maine in the passing of the Honorable William Hathaway. Senator Hathaway, Congressman Hathaway, husband, soldier, lawyer. He was a dedicated individual to this great state, to his family, and he made Maine and our country stronger. One from the greatest generation, one that put everything on the line no matter what he did in service. A winner of the Purple Heart, the Distinguished Flying Cross, and the Air Metal. I can't imagine, with what this gentleman did in his lifetime, having even the thought of potentially serving in his shoes for a day. I just want to make sure today that we reflect upon the great service that Senator Hathaway put forth for our country and our state and today, Mr. President, I would ask that the Senate adjourn in memory and in long lasting tribute to the Honorable William D. Hathaway.

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I wouldn't even be able to do as fine a job as the good Senator from Sagadahoc just did on the Honorable Senator Hathaway, but from my own personal reason for rising, one of the few books that I have in my home that I kind of cherish is the Senate hearings that the good Senator Hathaway actually held on, surprise surprise, the bonded labor program. I've read it a number of times. I never met the man. Just the things that Senator Goodall just talked about are all the things that I've heard, how great a Congressman and State Senator he was. Just for myself, the one connection that I actually had to him was that book that was the hearings that he held because he was willing to actually listen to some of the people in the state of Maine when problems came up and that was one that, unfortunately, too often politicians fail to listen to. It's funny that it came up today, but that was one that I always hold in great esteem. I just wanted to get up and make my remarks on Senator Hathaway.

**ADOPTED.**

Sent down for concurrence.

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**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  
(S "A" S-342 to C "A" H-552)

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

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**Act**

An Act To Expand Access to Early Postsecondary Education

H.P. 677 L.D. 963  
(S "A" S-328 to C "A" H-545)

**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.

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**Resolve**

Resolve, Regarding Memorial Plaques Honoring Vietnam Veterans near the Vietnam Veterans Memorial Bridge between Lewiston and Auburn

S.P. 614 L.D. 1575

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

Ordered sent down forthwith.

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Senate at Ease.

Senate called to order by the President.

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**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 (6/27/13) matter:

JOINT ORDER - To Amend the Membership of the Commission To Study Transparency, Costs and Accountability of Health Care System Financing

S.P. 613

Tabled - June 27, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **FURTHER CONSIDERATION**

(In Senate, June 27, 2013, **READ** and **PASSED**.)

(In House, June 27, 2013, **READ** and **FAILED PASSAGE**, in **NON-CONCURRENCE**.)

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

Sent down for concurrence.

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 526

**STATE OF MAINE**  
**126<sup>TH</sup> LEGISLATURE**  
**OFFICE OF THE GOVERNOR**

8 July 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> 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 415, "An Act To Require a Warrant To Obtain the Location Information of a Cell Phone or Other Electronic Device."

This bill simply goes too far. To obtain location data on a cell phone currently, police obtain a court order. This allows them to access historic – not real-time – location data. Many crimes we all know about would not have been solved, or would have taken significantly more man-hours, if this law had been in place.

The reality is that the problems this bill seeks to address are generally in our country's largest cities or at the federal level. Meanwhile, Maine does not have the resources necessary to fully staff our State Police, let alone inappropriately use cell phone location data.

I support requiring warrants for cell phone content information, such as voicemails or text messages. That is why LD 1377 is law. I support requiring unmanned government cameras to obtain warrants. That is why LD 1040 is law. But this bill goes too far, imposing requirements that are too burdensome at a time of rising crime in our state.

For these reasons, I return LD 415 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 Require a Warrant To Obtain the Location Information  
of a Cell Phone or Other Electronic Device  
S.P. 157 L.D. 415

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have to disagree with the Governor's conclusion on this. I understand the importance of law enforcement in this matter, but I also understand that to place a GPS tracker on someone requires a warrant. Cell phones providing the same kind of information, whether it's real time or not, deserves the same, a warrant, to protect all of our Constitutional rights. I think it's appropriate and I think it is necessary to protect the people of this state and their own privacy

that we overturn this veto and support the people's rights. I urge you to join me in doing so. Thank you.

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

Senator **VALENTINO:** Thank you very much Mr. President. Members of the Senate, I rise today to urge you to sustain the Governor's veto. The majority of the Judiciary Committee had voted not to pass this bill. We did feel that it went too far on the location data and we have passed other bills this session that do require search warrants for content data. I just wanted to say that I will be voting to sustain. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I just think that if we sustain this veto we are losing a remarkable opportunity to take a stand in favor of keeping government out of our lives unless a judge deems it necessary. Thank you, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, we've heard all these discussions and arguments before, but I think it is important to just comment on the fact that this is something that's very useful to law enforcement. It doesn't infringe on anybody's personal security and privacy. It's being done in most every other state. In order to use this tool it would be almost insurmountable to obtain the amount of search warrants that would be needed in an incident such as we saw down in Boston this past summer. I would urge you to sustain the Governor's veto on this.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I, too, would ask that you would sustain the Governor's veto. I think by doing this it will allow us to go back and to review this issue again. I know that on both sides of the issue there is a lot of input and support. I think that by sustaining the veto you'll give not only the Executive but this Body a chance to revisit this issue. As the good Senator from York, Senator Valentino, said, the majority of the committee was against this bill in its present form. I would ask that you would allow this veto to be sustained and let the committee and the Executive get back and to review this issue in the future. Thank you, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today to encourage all of us to override the Chief Executive's veto. This is about making sure that government stays out of our lives and if they do need to intervene they do so by getting that piece of paper that is delivered to them through a judge. It is an increased burden and that's what our Founding Fathers envisioned. We've all had the opportunity to

reflect on these moments in terms of our Founding Fathers recently in the celebration of July 4<sup>th</sup>. There's been movies on TV. There's been shows and there's been articles. I asked myself, do we think the Founding Fathers, when they drafted our Constitution, would have allowed such activities if carriages or horses would be tracked? Times have evolved. Technology has evolved. Our devices that we carry, that we all have in our pockets today, are our office. They are our diaries. They are our tracking. They are our map. They tell us where we've been. They tell you your life story, when put together. We share a much higher burden, and that is why we should override this 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 (#369)**

YEAS: Senators: CAIN, CLEVELAND, COLLINS, DUTREMBLE, FLOOD, GERZOFSKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, PATRICK, SHERMAN, THOMAS, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BOYLE, BURNS, CUSHING, HAMPER, PLUMMER, SAVIELLO, THIBODEAU, TUTTLE, VALENTINO, WHITTEMORE, YOUNGBLOOD

ABSENT: Senators: CRAVEN, MILLETT

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being absent, and 22 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.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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The Following Communication: S.C. 527

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

8 July 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> 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 236, "An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use."

This bill is not about drones – it is about privacy. I fully understand the desire to ensure we have proper safeguards around the use of aircraft, whether manned or unmanned. That is why I will be signing an Executive Order directing the Commissioner of Public Safety to establish guidelines surrounding use of drones.

However, this bill steps too far, creating more private rights of action, leading to more lawsuits. Creating more litigation will do nothing to help our overburdened court system, especially when we do not have a drone problem in Maine. The simple fact is that we are raising taxes and still not fully staffing the State Police; buying drones is a long way off. If interest groups have significant concerns about government using drones inappropriately, they should begin with Washington.

Additionally, this bill will harm any opportunity Maine has to create new jobs in the aerospace industry. Unmanned vehicles are here and the technology is not going away. We have great, former military resources at Loring and in Brunswick and this bill says manufacturers can come to Maine or stay in Maine, but Maine will not purchase your product. It is the wrong message to send if we want these jobs.

For these reasons, I return LD 236 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 Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use

S.P. 72 L.D. 236

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, for once I probably will be brief. The Constitution doesn't have a clause that says law enforcement has to get a warrant for some technologies and not for others. The Constitution also doesn't say that guidelines by the Commission of Public Safety are an acceptable alternative to warrants under the Fourth Amendment. Mr.



President, I'm very glad that the Chief Executive allowed L.D. 1040, sponsored by my friend across the aisle, Senator Thomas, to become law. As you may remember, that bill requires a probable cause warrant before law enforcement can place a game camera on private property. It seems to be that if you're going to require a warrant for a camera we should require a warrant for a flying camera because that's just what drones are. They are very powerful flying surveillance cameras. I'm thankful that we just overrode L.D. 415 and I'm hoping you will stand with me for privacy and vote yes in favor of the pending motion. Thank you.

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

Senator **VALENTINO:** Thank you very much Mr. President. Members of the Senate, I rise today before you to ask you to sustain the Governor's veto on the drone bill. Again, this was not the written Majority Report that came out of the Judiciary Committee. As you will recall, this bill was amended several times on the House floor and it actually, we felt and the members of the Judiciary Committee, that this would be a harm to Maine businesses. We heard also, after the bill was passed, from three different Maine businesses who were extremely disappointed and one who actually felt that they may have to move their business out of the state of Maine on this. This was not something that was very business friendly to what we're trying to do for the aerospace industry, especially at Loring and Brunswick. I would also say that, in the veto if you read it, the Governor did say that he would issue an Executive Order directing the Commissioner of Public Safety to establish the guidelines for that. This report, I assume, would come back to the Judiciary Committee next year, which is exactly what the Majority Report, which we had recommended to you, was to do; to wait. The technology is ever-evolving right now. To put something into place, we need to have the people who are using this actually know about it to put the laws into place. I would hope that you would sustain the veto and vote with these Maine businesses who felt that they were being hurt by this bill that was passed. This is giving all of us a second opportunity to support these Maine businesses and help them grow and help them with jobs here in the state of Maine. Thank you.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I believe that the business concerns were addressed in amendments to this bill. In fact, what this does is constrain the use for police in law enforcement purposes to requiring a warrant. We've taken a stand in this Legislature that I'm proud of so far this session in protecting people's privacy and protecting their rights. We're really trying to uphold the intent of the Constitution that was written in a time when there wasn't technology that made it easy to infringe on people's rights. The fact that this is easy to do doesn't make it right. I think that requiring the warrant, as I've said before, is the price of protecting our liberties, protecting our rights. It is a reasonable threshold, it's a reasonable bar, for law enforcement to have to establish to a judge as a reason to take advantage of this ready information about people that would infringe on their privacy, if we use it for

law enforcement purposes without such approval. I urge you to join me in overriding this veto. Thank you.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, just this morning I had a telephone call here directed to me from an individual who was thinking about locating a company here in the state of Maine to manufacture and build drones. He clearly stated to me that he was thinking about bringing this company to Maine but if the Governor's veto was overridden he will not. Plain and simple. Here's an entrepreneur who owns a company. I did a little research on this company. He is legitimate, as best I can determine by looking it up on the internet. He is thinking about locating here in Maine but doesn't want this to be passed. He wants the Governor's veto to be sustained. We're talking jobs in Maine. New jobs. I think it's important to listen to our constituency. This gentleman is thinking about coming to Maine. Possibly he'll be a constituent of mine. I hope so. He's thinking about locating his company in Southern Maine. He has a lot of opportunities to locate anywhere in Maine. I think it's imperative to listen to their concerns at this juncture, which is very important to him as well as the citizens of Maine. I urge you to sustain the veto and do the right thing. Thank you, Mr. President.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, as the good Senator to my left said, I had a constituent that was very concerned with this bill. The bill had been amended to try to address that situation but, having talked to my constituent, he still feels that the way the bill is presently written that he would have to move his operations out-of-state and probably to New Hampshire. As the good Senator from York, Senator Collins, says, I think we face a very crucial issue, particularly for those of us in our area that are competing with the state of New Hampshire. I think that, we're hoping, we can encourage jobs and we can ill afford to lose, I think, folks that provide jobs, not only in our area but in other areas of the state. I know that I talked to individuals in the Aroostook County area, folks I believe in the Bangor area, folks throughout the state that want to be able to use this technology. I would ask that you would sustain the Governor's veto. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I just want to get up a second time to just let the Body know that I feel extremely pleased at the effort that was put forward by a bi-partisan group of members from this Body to make sure that the needs of certain businesses were taken care of. As a matter of fact, the language that was put into the bill after the bill got to the floor actually was in direct consultation with one of the businesses that was already spoken about this morning. In reality, the language is pretty much redundant and it's the same that was there in the first place, that the businesses that are in the state of Maine already that were stakeholders sat down at the table and

actually said, "This is what is acceptable to me." We actually broadened it to make it a lot better. I would say that the vast majority of the bill is about law enforcement and idea of having warrants if you're going to be spying on citizens. If you are a criminal they should be able to get a warrant and do what they have to do. If you're a citizen you should have that protection. I would ask the Body to override the veto. 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 will only stand once on this. I do want to reiterate how important this is commercially. It's an opportunity for this state to have some more technology brought into the community, more jobs. That's one aspect of this bill. The other aspect is the law enforcement. We seem to be talking about something over and over again that isn't being done here in the state right now, presently. We aren't using these drones for law enforcement purposes. You have had two different assurances, one from the committee that vetted this bill and other one from the Chief Executive, that there will be no use of this tool in the state of Maine until there are proper safeguards put in place. I take those two assurances pretty seriously. I have great confidence in the law enforcement in this state, in the District Attorneys, and the Attorney Generals that we appoint to oversee this process. When that fails, and occasionally it does, I realize, we have the courts. We are not the courts. The court is the appropriate place for these issues to be vetted. All law enforcement and criminal justice agencies are very familiar with the responsibilities of the Fourth Amendment and when they stray out of line, and they make an error, even intentionally, which, unfortunately, does happen on rare occasions, or inadvertently, the court takes care of that issue and brings them back into line. The evidence, if it was inappropriately obtained, as you all know, is dismissed. We have great safeguards in place. These tools are not being used, but we all know that eventually unmanned aircraft is going to be a tool that will be used probably in every state in the nation. Let's put the appropriate criteria together to make sure that that's done properly and let's also at the same time encourage business to come into this state and develop this technology that's going to be used eventually and will be a great asset, not only to the commercial opportunities but also to law enforcement, sometime in the future. I would urge you to sustain this veto. 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 have consistently voted this session for our right to be left alone. I believe that we have a right to be left alone and I don't believe that a warrant is a high hurdle to overcome. I'm going to vote to sustain the veto, even though this technology scares me, because it has the commercial applications in forestry, mapping, and surveying that I want to see developed. I think that we need to watch this technology to make sure it's not misused. I think that we have a responsibility to see that our constitutional rights are protected. In the meantime, I believe that we have enough safeguards in place so that I can vote to sustain the veto as long as we keep our eyes open. 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 would encourage all of us to override the pending veto. We have a great government that is built upon a document, a document that should not be used for political convenience, but one we should all stand tall and defend. One that creates three branches of government and delegates the power to legislate to this branch, to our branch, to these two great Bodies in this State House. We should be the ones setting the policy for this new technology. We should be the ones, as we have done previously and as we're doing here today, to be deliberating, to not usurp any of our power to anyone in the Executive Branch or law enforcement. We were elected to do our job, to protect the Constitution, and at times, when it is necessary, as in this case, to make sure that our laws are modernized so government stays out of our lives. Standing up for the Constitution sometimes is challenging. Sometimes it's not the most popular thing to do. I think we've heard many debates and long conversations and much passion around this issue. That passion should be in favor of privacy. That passion should be in favor of keeping government out of our lives. Men and women of the Senate, Mr. President, I would strongly encourage us all to override, to make sure that we retain our ability to protect people from government and invasion of privacy and stand up for the Constitution. 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 (#370)

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, PATRICK, SHERMAN, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, COLLINS, CUSHING, DUTREMBLE, FLOOD, HAMPER, MASON, PLUMMER, SAVIELLO, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, YOUNGBLOOD

**ABSENT:** Senators: CRAVEN, MILLETT

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, and 18 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.

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The Following Communication: S.C. 528

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

8 July 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> 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 1533, "An Act To Establish the Maine Online Learning Collaborative."

I am all for increasing the use of digital education in Maine. Providing our students with access to world-class teachers and curriculum is how we will improve our schools and provide more opportunities for Maine's future. However, this version of the bill appears to move from the realm of legislating policy into managing activities.

Additionally, this bill will completely empty one State account, even though there may be commitments owed on that money. I cannot support a bill which would actively remove money from one account and leave unfunded commitments. That is not a responsible way to run a business, and it is not a way to run a government.

For these reasons, I return LD 1533 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. Leave  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Establish the Maine Online Learning Collaborative  
(EMERGENCY)

S.P. 580 L.D. 1533

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 (#371)**

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

ABSENT: Senators: CRAVEN, MILLETT

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, and 18 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.

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The Following Communication: S.C. 529

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

8 July 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> 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 1129, "An Act To Promote Innovation in Public Schools."

This bill was a resolve, amended on the floor to be called an act. It orders the Department of Education to hold annual conferences with expanded attendance, but does not provide resources to do so. I cannot support these continually unfunded and underfunded mandates on the executive branch. We must

realize that decisions have costs and that so-called "existing resources" may not exist.

This bill also tells the Department what items should exist on its website. The Department is already highlighting standards-based learning, best practices, and educational transparency on its website – we do not need a law to do so. These initiatives can move forward more quickly if we are allowed to manage without overly-prescriptive laws burdening our efforts.

For these reasons, I return LD 1129 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. Leave  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Promote Innovation in Public Schools  
S.P. 390 L.D. 1129

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 (#372)**

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

ABSENT: Senators: CRAVEN, MILLETT

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, and 18 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.

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

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The Following Communication: S.C. 530

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

8 July 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> 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 1132, "An Act To Achieve Economic Growth by Enhancing Science, Technology, Engineering and Mathematics Education and To Meet Workforce Needs."

This is a good bill – encouraging STEM education will help Maine's current students find good careers. It is something I am committed to and those STEM options need to be made available in a variety of learning environments.

Unfortunately, this bill is not funded - \$5,000 in the first year and \$22,000 in the second is not enough to hire an Executive Director or really get this work done. We need to stop promising the world without paying for it. It is time to right-size government, reduce our tax burden, and focus our limited resources on things that really matter.

For these reasons, I return LD 1132 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. Leave  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Achieve Economic Growth by Enhancing Science, Technology, Engineering and Mathematics Education and To Meet Workforce Needs

S.P. 393 L.D. 1132

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

Senator **CAIN**: Thank you Mr. President. Men and women of the Senate, first I rise to thank you for your past support this session of STEM education and enhancing opportunities for students in Maine to access science, technology, engineering, and math preparation for life and career. I also want to thank the Education Committee who worked hard on this bill, as well as members of the other Body. The STEM Council was created in the 125<sup>th</sup> Legislature by a bill initiated by the Chief Executive. It brought together businesses and educators, altogether with focus on students. Specifically, the STEM Council is charged with developing strategies for enhancing science, technology, engineering, and mathematics education from pre-K through post-secondary education. Council members also review research on STEM education, recommends strategic direction for policy makers, devise methods for promoting career and technical education, and propose ways to integrate school-based and out of school STEM programs. A wonderful mission. This Legislature, in the past Legislature, overwhelmingly supported this council and they've been hard at work for a year. With such a lofty, and such an important and essential set of charges, we have done very little to support this amazing group of volunteers. L.D. 1132 seeks to address the need to enable the STEM Council to fully do the work we expect them to do every single day. This bill builds on last session. It provides the Council the ability to hire an Executive Director, a contracted position, not a State position. It adds the Maine Maritime Academy to staffing the council, something the Maine Maritime Academy specifically came to me and asked to be added to the council staff already staffed by the Maine Community College System and the University of Maine System. It gives the Council the ability to raise and spend money in order to fully meet its charges. That means they are already out there fundraising from Maine businesses across the state who want to see increased access to high quality STEM education in Maine schools, colleges, and universities. The funding attached to this bill, which was of specific concern to the Chief Executive, is not a lot of money. In fact, it is \$5,000 in the first year of the biennium and \$2,200 in the second year of the biennium. Why, you ask, such small amounts. Because a little goes a long way. The little bit of State money we're putting towards this position will enable, and is enabling, the STEM Council to raise additional private dollars in order to grow this position likely from part-time in the first year to full-time in the second year. At that point they hope it to be fully funded by private entities across the state interested in STEM education. Maine's economic future depends on effectively preparing students for life and jobs in the 21<sup>st</sup> Century. We must be able to prepare our students and our state to thrive in an increasingly technological world and STEM education is the key to that. The 2012 STEM Landscape Study said that in the next decade one in seven new jobs in Maine will be in a STEM field. Those are wages that are high. Those are careers for a lifetime. I ask you to join me today in supporting the council that we created, that we charged with this important task, by just offering them today a little bit of support, permission to seek external funding to fund their work from engaged businesses across the state, and in order to do that I need your help today to override the Chief Executive's veto off L.D. 1132. I ask you to join me in voting to override the veto. 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, I rise today, as well, in support of L.D. 1132 and urge my colleagues to overturn the veto. This is an idea whose time has come. I think the message we can give with this is going to be extraordinarily important. If we do not have this go forward, I think, we'll be extraordinarily penny wise and pound foolish, but more than penny wise and pound foolish, we'll be penny wise and gold bullion foolish. We're being penny wise and diamond tiara foolish. I think it's very important. We're going to get a great deal out of this. It had significant support outside of this State House, in the private sector. I think that we'll be giving a very important message. I would strongly urge my colleagues to go along with those of us who wish 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 (#373)**

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

**NAYS:** Senators: BURNS, COLLINS, CUSHING, HAMPER, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS, WHITEMORE, YOUNGBLOOD

**ABSENT:** Senators: CRAVEN, MILLETT

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being absent, and 22 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.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

The Following Communication: S.C. 531

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

8 July 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 1282, "An Act To Help Small Farmers in Selling Raw Milk Products."

I support the vast majority of the changes to Maine law contained in this bill. I also strongly support the underlying theory that Maine people should have unfettered but reasonable ability to conduct small business and grow those small businesses into larger operations. This bill exempts from state licensing and inspection requirements, raw milk producers who sell less than 20 gallons per day; the exemption applies to on Farm sales, as well as sales at farmers markets.

One of the primary roles of government is to protect public health. Maine's existing dairy program works to maintain a safe milk supply for the public. Dairy producers and raw milk sales are flourishing in Maine. Maine is one of thirty states that permit any sales of raw milk and one of only twelve states that allow the sale of raw milk in retail stores. Under existing rules we have seen a rise in the number of licensed small dairy farms that sell milk products other than to a plant for further processing from 13 in 1995 to 160 today.

I support a modified version of this bill where sales are limited to "on Farm only"; if farmers market sales are to remain, a mechanism to verify chain of custody must be included. Such face-to-face on Farm transactions should be promoted. The "on Farm only" approach would reduce risk to overall public health because consumers would know the farmer who produced the milk, see and inspect the farm and hold the producer accountable for foodborne illnesses that are associated with unpasteurized milk. It would at the same time, encourage more on Farm sales of raw milk without requiring a state license. This outcome would be a good balance – one I could support.

For these reasons, I return LD 1282 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. Leave  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Help Small Farmers in Selling Raw Milk Products  
S.P. 444 L.D. 1282

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 (#374)**

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

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

ABSENT: Senators: CRAVEN, MILLETT

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, and 17 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.

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

\_\_\_\_\_  
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.

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On motion by Senator **GOODALL** of Sagadahoc,  
**RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

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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.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill

H.P. 1141 L.D. 1572  
(H "A" H-575)

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

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#375)**

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

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

ABSENT: Senators: **CRAVEN, MILLETT**

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 9 Senators having voted in the negative, and 24 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Continue Certain Position Distributions in the Department of Labor and To Amend the Competitive Skills Scholarship Program

H.P. 815 L.D. 1150  
(S "A" S-351 to C "A" H-418)

This being an Emergency Measure and having received the affirmative vote of 20 Members of the Senate, with 13 Senators having voted in the negative, and 20 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

(See action later today.)

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**Emergency Measure**

An Act Regarding the Administration and Financial Transparency of the Citizen Trade Policy Commission

H.P. 816 L.D. 1151  
(S "A" S-367 to C "A" H-105;  
H "A" H-110)

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

Ordered sent down forthwith.

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Senate at Ease.

Senate called to order by the President.

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**Emergency Measure**

An Act To Amend the Laws Governing Hospital and Therapeutic Leave Days for MaineCare Recipients

H.P. 972 L.D. 1364  
(S "A" S-360 to C "A" H-370)

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

Ordered sent down forthwith.

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**Emergency Measure**

An Act Regarding School Budgets

S.P. 608 L.D. 1566  
(C "A" S-329)

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

This being an Emergency Measure and having received the affirmative vote of 20 Members of the Senate, with 13 Senators having voted in the negative, and 20 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in concurrence.

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**Emergency Resolve**

Resolve, To Establish the Commission To Study Long-term Care Facilities

S.P. 331 L.D. 986  
(S "A" S-325 to C "A" S-201)

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

Ordered sent down forthwith.

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**Emergency Resolve**

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

H.P. 1143 L.D. 1574

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

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

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I know it's a long day, so I'll be brief. I just wanted to point out that this bill is a result of a bill that we had just last week where there was a mistake made where the Chief Executive should have been doing the appointment and this corrects that mistake. Certainly, we're all very supportive of making sure that this important work gets done. I would encourage everybody in the Chamber to, indeed, show their support.

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

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

Senator **GRATWICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I wish to speak just very briefly to this. Certainly cancer is a tragic occurrence in any of our lives. Cancer is not just tragic, it's exceedingly tragic in any of our lives. It's expensive and, indeed, it's exceedingly expensive as a condition to treat. The best treatment for cancer is prevention. This bill, the fiscal note is \$3,000. I suspect most of you know that usual one day charge in a hospital in Maine is roughly \$6,000. This is getting to the larger problem, trying to come to terms with it, and, for a very small price which is half a day in the hospital for one individual patient, we can begin to get a better understanding of this. I'm very supportive of this and I concur with my colleague, Senator Thibodeau, and urge you to support it. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Final Passage, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#376)**

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

**NAYS:** Senators: None

**ABSENT:** Senators: CRAVEN, MILLETT

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and signed by the President, in **NON-CONCURRENCE**.



Sent down for concurrence.

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**Mandate**

An Act Relating to Private School Student Participation in Public School Cocurricular, Interscholastic and Extracurricular Activities  
H.P. 74 L.D. 92  
(S "A" S-332 to C "A" H-53)

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

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**Mandate**

An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans Are Buried  
S.P. 107 L.D. 274  
(S "A" S-334 to C "A" S-248)

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

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**Mandate**

An Act To Amend the Laws Governing Students Experiencing Education Disruption  
S.P. 378 L.D. 1096  
(S "A" S-347 to C "A" S-243)

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

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**Mandate**

An Act To Increase Consumption of Maine Foods in All State Institutions  
H.P. 888 L.D. 1254  
(S "A" S-355 to C "A" H-510)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 25 Members of the Senate, with 8 Senators having voted in the negative, and 25 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.

**Mandate**

An Act To Further Reduce Student Hunger  
S.P. 472 L.D. 1353  
(S "A" S-359 to C "A" S-70)

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

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**Mandate**

An Act To Improve Insurance Coverage for First Responders  
S.P. 71 L.D. 235  
(S "A" S-333 to C "A" S-76)

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

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

Senator **JOHNSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to speak for a moment about the reason why this bill is so important and I hope that you will support its passage. First of all, we have a problem in Maine, particularly in rural Maine, with our volunteer fire departments not getting the members they need. With many of the members of those volunteer fire departments being older, we need some younger people to join. Although this bill is for first responders in general, one of the very important things that it addresses is one of the drivers for people to not choose to become a volunteer. There is a lot of effort involved in training. A lot of time commitment to what it takes these days to be a volunteer fireman. Yet what this bill would do that we're not doing today for those firemen is to say that if you will be a fireman and first responder, if you will respond to our emergencies and commit yourself to that, we will ensure that should you get injured in the course of that and are unable to hold your regular job for a while, to support your family, that you'll be covered. I don't expect that if I call 9-1-1 and say I've got a fire in my house and I want somebody to respond that they are going to stop and shovel the driveway or their walkway or sand before they go out to their vehicle before they start responding to my call for a fire at my house. To me, those people are on the job when they get that call out. They should be covered against injury because we're not just asking them to, in their own due time as they normally would going to work, go out, clear their walkway, get in their vehicle, and head on over to work. We're expecting them to put normal caution aside and proceed with all reasonable haste to respond to our emergencies, whether that's my house burning down or one of my loved ones that's got a critical medical issue. I hope you will join me in recognizing that I don't want there to be no one there to take that call in rural Maine. We don't want those people to be given the message by us that we don't want them covered if they do rush out of their home, trying to come and help us with our emergency. I hope you will support me in extending the same kind of coverage when they are on-call from that bell as anyone would have if they were in a station, being dispatched to a call. Our volunteer fire departments and our professional firemen that

are called back to duty because of a larger emergency needing coverage are people that are on the job from the moment that bell goes off. We should respect that and extend this coverage to them from that moment on. Thank you.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, while I concur with my good colleague from Lincoln County that those who are willing to put themselves in harm's way to protect us should be respected for the service they give and should be given the due deference, I have to hesitate when it comes to this particular issue before us. The tone-to-tone bill, as it has been referred to, the current measure before us, which I'm asking you to consider not supporting, is in no way an indication that we don't value those who serve either in a full-time or in an on-call part-time capacity, but there are certain requirements that come into play here. As we discussed this in committee, it became clear that the current measures are covering these individuals when they are reaching a public way. That's an important determination for municipalities who have the ability to control certain circumstances. As I read through the cases that had come before the Workers' Comp Commission there were only five in the last 15 years that were provided to me by one of the individuals who testified that currently serves on the Workers' Comp Board. The other question that we could not clearly work out in this is; what happens if somebody is working at their job as a first responder volunteer fire fighter and is injured in the course? I think we need to be cautious about extending coverage before we have appropriate measures in place. I respectfully ask that you understand that this is in no way a slap at those who serve us very capably in those positions, but is an opportunity for us to perhaps come back and look at this in the future, with better protocols. Thank you, 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 wanted to rise and ask people to support this bill. I think that we've had a number of bills on the Labor Committee about this issue as far as volunteer firemen. These are the people that take time off from their families on the weekends, are out there training for free, and doing everything they can to help make their communities better totally out of the goodness of their hearts. They are the ones that Senator Johnson mentioned that we ask to go into the burning building to save loved ones. Over this past week we had people that have capsized on the Fish River. A number of volunteers from the Fort Kent fire department, high water, out there doing everything they could, as they did numerous times. Those gentlemen and ladies had actually saved people. Every day working class people that have done the training and taken money out of their own pockets to become volunteer firemen and really going above and beyond to do things to help save people that are in all of our districts. It really is amazing when you look at all the training requirements that they have, coming out of their own pockets. I think, with all these people's willingness to serve, and willingness to go above and beyond, I don't think these are the people that we have to worry about making false Workers' Comp claims. This bill talks about the public way. One of these cases that we had last week,

I don't think the fireman that responded were ever there, they were off the public way. They were on dirt roads getting to the Fish River. I don't even know, if something were to happen in that regard, how that would have played out. The fact is, regardless if they are on the public way or driveway or what it is, they are responding to issues that we've asked them, we've called them, we've depended on, and they are doing it all out of the goodness of their hearts. It just seems to me that there's a worrisome that these people, that have done everything they could to give their all to the community for voluntary reasons, are going to be making claims against Workers' Comp. I just can't see this ever happening. I think that for the few cases that someone is not on the public way, that they are responding to a case, I think they should be covered and I think it's a small step to do for people that put everything above and beyond. I have great gratitude for them and really appreciate all they do in these small rural areas that don't have full-time fire departments.

**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, this bill came before us and I thought to myself, "Wow, this isn't the most important bill in the world," until I got into the bill. I started to think to myself, "What value does this bill really have?" I started thinking about what happened about 12 years ago in New York City when the Twin Towers were attacked. Who was there to answer the call? That was our firefighters, first responders. I said, "Who do we have here in Maine that are the actual heroes in the state of Maine? Who do we have in rural Maine? Do we have full-time fire departments?" No we don't. I say to myself, "This is a big deal." Ladies and gentlemen, what are we talking about? We are talking about the phone call in your home, if you are an emergency first responder, and the public way. That may be 50 feet. It may be 500 feet. It could be a quarter of a mile in some instances. We're talking about someone who gets that phone call, there is an emergency. A first responder is geared up, adrenaline flowing, and he wants to get to that scene and we're going to deny him, if he happens to fall or trip or something and he ruins his own livelihood, the ability to have any compensation. Look at the retention of our fire fighters in rural Maine, our volunteers. There is a critical problem there. Ladies and gentlemen of the Senate, this is a big deal. These are our heroes, our local heroes. They might not be the 19 full-time firefighters that fight forest fires that just passed away, but they do put it all on the line for us. They are covered from the public way to the fire already. In most of the places in my area it's probably closer to a couple hundred feet from their phone to when you're putting your boots on, your gear on, and running to the vehicle. I don't know. I'm kind of ashamed to think that we think so little of these people that they don't have the value to cover them for that extra couple hundred feet. So many times we weigh, Mr. President, the cost. What happens on numerous occasions if someone doesn't get to that accident or that fire? That's the cost, to me, Mr. President, that I would absorb to make sure that these people are covered because I think they have value to each and every one of us here in the state. Thank you, Mr. President. I would ask everyone to vote green on the Mandate.

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

Senator **JOHNSON**: Thank you Mr. President. I rise again to speak the question raised, which I understand, of when someone's covered and whether that's something which is in control of the municipality. I understand that first responder's home, their dooryard, or their driveway, however far it is off the public way, is not something that the municipality controls. Frankly, neither is the dooryard you're headed to for the person who called in an emergency. Neither are the conditions in the fire which they are dealing with, if it's a fireman. They are trained to do their best to deal with those emergencies, but they are out there working and putting themselves at risk and responding with all due haste on our behalf. I hope you will understand that they are on the job at that time and they deserve that we provide them our support as well and vote green with me. Thank you.

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

Senator **PATRICK**: Thank you Mr. President. Question through the Chair?

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

Senator **PATRICK**: Thank you Mr. President. Has a roll call been asked for?

**THE PRESIDENT**: The Chair would advise the membership that a roll call has been requested. The pending question before the Senate is Enactment, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#377)**

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

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

ABSENT: Senators: CRAVEN, MILLETT

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 17 Members of the Senate, with 16 Senators having voted in the negative, and 17 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in concurrence.

**Mandate**

An Act To Provide Local Sales Tax Increment Disbursements  
H.P. 276 L.D. 401  
(S "A" S-338 to C "A" H-166)

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

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 19 Members of the Senate, with 14 Senators having voted in the negative, and 19 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in concurrence.

**Mandate**

An Act Concerning the Removal of Municipal Employees  
S.P. 394 L.D. 1133  
(S "A" S-349 to C "A" S-141)

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

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 18 Members of the Senate, with 15 Senators having voted in the negative, and 18 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in concurrence.

**Mandate**

An Act To Provide Full-day Kindergarten Programs  
H.P. 808 L.D. 1143  
(S "A" S-350 to C "A" H-381)

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

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 18 Members of the Senate, with 15 Senators having voted in the negative, and 18 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in concurrence.

**Mandate**

An Act Regarding School Administrator Effectiveness  
S.P. 469 L.D. 1350  
(S "A" S-358 to C "A" S-258)

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

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 18 Members of the Senate, with 15 Senators having voted in the negative, and 18 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in concurrence.

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**Mandate**

An Act To Ensure Student Access to Postsecondary Military Options

H.P. 1077 L.D. 1503  
(S "A" S-365 to C "A" H-311)

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

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#378)**

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

NAYS: Senators: None

ABSENT: Senators: CRAVEN, MILLETT

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

Ordered sent down forthwith for concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Fund the Agreement with Certain Judicial Department Employees" (EMERGENCY)  
H.P. 1147 L.D. 1577

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

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

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

Ordered sent forthwith to the Engrossing Division.

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**ORDERS OF THE DAY**

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

An Act To Further Strengthen the Protection of Pregnant Women and Children from Toxic Chemicals  
S.P. 418 L.D. 1181

Tabled - July 9, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **CONSIDERATION**

(In Senate, June 27, 2013, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, July 9, 2013, Veto Communication (S.C. 520) **READ** and **ORDERED PLACED ON FILE**.)

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 (#379)**

YEAS: Senators: BOYLE, CAIN, CLEVELAND, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, 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

ABSENT: Senators: CRAVEN, MILLETT

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, and 14 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.

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Senate at Ease.

Senate called to order by the President.

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

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

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

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On motion by Senator **GOODALL** of Sagadahoc, **RECESSED** until 5:00 in the afternoon.

After Recess

Senate called to order by the President.

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

#### REPORTS OF COMMITTEES

##### House

##### Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine"

H.P. 1103 L.D. 1536

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-566)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566) AS AMENDED BY HOUSE AMENDMENTS "A" (H-569), "B" (H-570), "C" (H-571), "D" (H-572), "E" (H-573), "F" (H-574), "G" (H-576), "H" (H-577) AND "I" (H-578)** thereto.

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

##### READ ONCE.

Committee Amendment "A" (H-566) **READ**.

House Amendment "A" (H-569) to Committee Amendment "A" (H-566) **READ** and **ADOPTED**, in concurrence.

House Amendment "B" (H-570) to Committee Amendment "A" (H-566) **READ** and **ADOPTED**, in concurrence.

House Amendment "C" (H-571) to Committee Amendment "A" (H-566) **READ** and **ADOPTED**, in concurrence.

House Amendment "D" (H-572) to Committee Amendment "A" (H-566) **READ** and **ADOPTED**, in concurrence.

House Amendment "E" (H-573) to Committee Amendment "A" (H-566) **READ** and **ADOPTED**, in concurrence.

House Amendment "F" (H-574) to Committee Amendment "A" (H-566) **READ** and **ADOPTED**, in concurrence.

House Amendment "G" (H-576) to Committee Amendment "A" (H-566) **READ** and **ADOPTED**, in concurrence.

House Amendment "H" (H-577) to Committee Amendment "A" (H-566) **READ** and **ADOPTED**, in concurrence.

House Amendment "I" (H-578) to Committee Amendment "A" (H-566) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **VALENTINO** of York, Senate Amendment "A" (S-369) to Committee Amendment "A" (H-566) **READ** and **ADOPTED**.

Committee Amendment "A" (H-566) as Amended by House Amendments "A" (H-569); "B" (H-570); "C" (H-571); "D" (H-572); "E" (H-573); "F" (H-574); "G" (H-576); "H" (H-577); "I" (H-578) and Senate Amendment "A" (S-369) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566) AS AMENDED BY HOUSE AMENDMENTS "A" (H-569); "B" (H-570); "C" (H-571); "D" (H-572); "E" (H-573); "F" (H-574); "G" (H-576); "H" (H-577); "I" (H-578) AND SENATE AMENDMENT "A" (S-369)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Access to Oral Health Care" H.P. 870 L.D. 1230

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-531)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-532)** (6 members)

In House, June 19, 2013, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-531)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-531) AS AMENDED BY HOUSE AMENDMENT "A" (H-564)** thereto.

In Senate, June 19, 2013, Reports **READ**. On motion by Senator **KATZ** of Kennebec, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

On motion by Senator **GOODALL** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

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On motion by Senator **KATZ** of Kennebec, the Senate **RECONSIDERED** whereby the following **FAILED ENACTMENT**:

**Emergency Measure**

An Act To Continue Certain Position Distributions in the Department of Labor and To Amend the Competitive Skills Scholarship Program

H.P. 815 L.D. 1150  
(S "A" S-351 to C "A" H-418)

(In House, July 9, 2013, **PASSED TO BE ENACTED**.)

(In Senate, July 9, 2013, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.)

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.

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

**COMMUNICATIONS**

The Following Communication: H.C. 256

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

July 8, 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 1263, "An Act To Increase Funding for the Snowmobile Trail Fund and Adjust the Sales Tax Relating to Snowmobiles and Trail-grooming Equipment."

This bill increases fees on Mainers and tourists alike. For that reason alone I would have a difficult time supporting it. However, I have heard from snowmobilers and clubs across the state urging my support of this bill. Their arguments were strong and I may have let this bill become law without my signature.

Unfortunately, with significant tax increases on our tourism industry going into effect, I cannot agree to fee hikes. If more resources are necessary for snowmobile trails, we should work to right-size government and provide those resources from our tax dollars. User fees make sense when they are paid in lieu of taxes. When fees are charged in addition to taxes, citizens are paying twice for the cost of government.

For these reasons, I return LD 1263 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:

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

An Act To Increase Funding for the Snowmobile Trail Fund and Adjust the Sales Tax Relating to Snowmobiles and Trail-grooming Equipment

H.P. 902 L.D. 1263

June 28, 2013

Comes from the House, 102 members having voted in the affirmative and 41 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 126th Legislature of the State of Maine  
State House  
Augusta, Maine

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

Dear Honorable Members of the 126th Legislature:

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

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 1390, "An Act Regarding the Cancellation of Subscription Services."

A vote of yes was in favor of the Bill.

This bill stems from a single incident and there is an old saying that "hard cases make bad law." This is especially true with legislation that creates new penalties under the Maine Unfair Trade Practices Act. Attempting to force online companies to comply with this law will create a minefield of uneven treatment, penalizing businesses which are present in Maine while others go free if our courts cannot assert jurisdiction.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Just because a bad thing happened does not mean a law is necessary. Companies should make it easy for their customers to return their products in order to build customer loyalty – I can think of Maine companies that do just that. If a business makes a choice to treat its customers poorly, they will not be in business for long. Consumers vote with their wallets and the market will work, even when dealing with recurring subscriptions. We do not need a law.

**ROLL CALL (#380)**

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

For these reasons, I return LD 1390 unsigned and vetoed. I strongly urge the Legislature to sustain it.

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

Sincerely,

ABSENT: Senators: CRAVEN, MILLETT, TUTTLE

S/Paul R. LePage  
Governor

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being absent, and 18 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**.

**READ and ORDERED PLACED ON FILE.**

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

The accompanying Bill:

An Act Regarding the Cancellation of Subscription Services  
H.P. 993 L.D. 1390

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

Comes from the House, 96 members having voted in the affirmative and 46 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.

**COMMUNICATIONS**

The Following Communication: H.C. 245

**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 this evening to ask you to override the Governor's veto on L.D. 1390.

This is a consumer protection bill. The bill originally went way too far and I wouldn't have supported the bill in its original form. However, we amended the bill down quite a bit. What it does is the bill actually removes the provisions of the bill that covers newspapers, magazines, journals, periodicals, and on-line new sources, including on-line versions of newspapers and cable and internet services but retains on-line magazines, journals, and periodicals, on-line media players, social networking services, and internet game services. It restricts the application of the bill to only those subscriptions that are automatically renewed at the end of a definite term for a subsequent term unless the consumer cancels the agreement. It removes provisions in the bill detailing the methods by which a subscriber must be allowed to cancel his subscription and instead requires a business that makes an automatic renewal subscription offer to a consumer in this state to present the consumer with an easily accessible discloser of the methods that consumers may use to cancel the subscription, which must include on-line cancelations. This bill was modeled after a bill in Illinois.

If any of you have ever had the opportunity to have a constituent, or you yourself, buy something on-line and try to cancel it, it almost takes an act of God to get out of it. Just recently I had computer problems and, not having enough experience or enough friends that could fix my computer, I made the mistake to take an on-line service to help me out. They were pretty specific. I think it was \$200 to renew my whole computer and stuff like that and get it back to the way it was brand new. I said, "Is this the one and only charge?" They said, "Yes, this is all it's going to be." The next thing I know, next month, there's a \$14 charge on my Discover. I'm saying to myself, "I didn't order anything from this outfit." It had the same name as the company that fixed my computer. I kind of sloughed it off. I think my wife paid it. The next month I get another charge. I get on-line and try to contact that company to find out what is going on. I must have been on the phone for about three hours, an hour three different times, trying to get ahold of this company. I didn't know what on earth to do. I asked my wife to call Discover and see if they could cancel it. The lady said, basically, they don't normally do that but she said to let her try to get ahold of this company. They let the phone ring and one minute later, after Discover called this company, they swapped it over to my wife and they explained what the cancelation policy was and I was able to get out of it. I had some constituents that called me up about the Acai berry miracle berry that's supposed to be good for your health. They ordered a subscription. Next thing you know, the next month, they got another one and another one and another one. They continued to get them, but there was no way to cancel it in an easy fashion. This bill is going to, very narrowly, allow people, especially people that use video games, to get out of the contract, or at least find out how they can get a cancelation within the scope of the jurisdiction of the people selling the service. I think this is a good idea. I know the other Body might have taken action on this in a manner that I would hope that this Body can. This is a good bill and it's going to help out a lot of the people in the state of Maine that are now on the internet and dealing with internet services. I would ask you to vote green to overturn the veto. Thank you, ladies and gentlemen.

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 (#381)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, DUTREMBLE, FLOOD, GERZOFSKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, LANGLEY, MAZUREK, PATRICK, SAVIELLO, SHERMAN, VALENTINO, THE PRESIDENT - JUSTIN L. ALFOND

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

ABSENT: Senators: CRAVEN, MILLETT, TUTTLE

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent, and 20 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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#### ORDERS OF THE DAY

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

##### Mandate

An Act Relating to Private School Student Participation in Public School Cocurricular, Interscholastic and Extracurricular Activities  
H.P. 74 L.D. 92  
(S "A" S-332 to C "A" H-53)

Tabled - July 9, 2013, by Senator **JACKSON** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 27, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-53) AS AMENDED BY SENATE AMENDMENT "A" (S-332).**)

(In House, July 9, 2013, **PASSED TO BE ENACTED.**)



This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 29 Members of the Senate, with 2 Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**Mandate**

An Act To Amend the Laws Governing Students Experiencing Education Disruption

S.P. 378 L.D. 1096  
(S "A" S-347 to C "A" S-243)

Tabled - July 9, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ENACTMENT**, in concurrence

(In Senate, June 27, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-243) AS AMENDED BY SENATE AMENDMENT "A" (S-347).**)

(In House, July 9, 2013, **PASSED TO BE ENACTED.**)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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.

**ORDERS**

**Joint Resolution**

Joint Resolution in Memoriam:

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

Reno Melford Thibodeau, of Frankfort, a United States Army veteran of World War II and retired postal worker. Mr. Thibodeau was born in Millinocket and in 1936 located to Winterport, where his life was centered around his church. Mr. Thibodeau was a 1943 graduate of Winterport High School and attended Colby College before joining the United States Army in the Pacific Air Service. He earned the rank of Sergeant. After the war, Mr. Thibodeau married Viola Blethen. Mr. Thibodeau was self-employed in the construction business until 1968, when he became a rural mail carrier for Winterport. He retired from government civil service after 28 years. He was very active in his church and through the years held numerous positions, from altar boy to Eucharistic minister. Mr. Thibodeau will be greatly missed

and long remembered by his loving wife, his family and his many friends;

SLS 530

Sponsored by Senator THIBODEAU of Waldo.  
Cosponsored by Senator: CUSHING of Penobscot,  
Representative: GILLWAY of Searsport.

**READ.**

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

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just rise to speak briefly to this issue. Ladies and gentlemen, Reno Thibodeau was my grandfather. I was very fortunate to have him for 46 years. Many of you in this Chamber would love to have your grandfather be around until you were 46 years old. I count myself very blessed. He was a wonderful man, as you can read there. A World War II veteran. A man that loved his family. Our entire family was very blessed to have him. He will be greatly missed by all of us. I certainly want to thank each and every one of you who have reached out to me and expressed your concern for his health when he was in the hospital and those of you who have shared your condolences with me. I appreciate that. It is at times like these, when you lose a loved one, that there is very little we can do for each other other than to convey that we do, indeed, care about each other and the loss that we face. Thank you for that. It was very encouraging to me, as I am sure it is to each one you as you've lost a very important person in your lives. Thank you for that. When I do something that makes you think, "Golly, what kind of guy would do something like that?" don't blame it on my grandfather because I don't think he ever did anything to anybody that made them upset or mad. The man was one those people that I think everybody loved. I was very fortunate to have him. Thank you, Mr. President.

**ADOPTED.**

Sent down for concurrence.

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

**COMMUNICATIONS**

The Following Communication: H.C. 258

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

July 9, 2013

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

Dear Secretary Grant:

House Paper 136, Legislative Document 161, "An Act To Restrict a Health Insurance Carrier to Rating on the Basis of One Geographic Area," 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?"

85 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 186, Legislative Document 225, "An Act To Restore Consumer Rate Review for Health Insurance Plans in the Individual Market," 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?"

89 voted in favor and 53 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 737, Legislative Document 1046, "An Act Providing for the Prescribing and Administering of Naloxone," 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 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 1110, Legislative Document 1543, "Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices," 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?"

85 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 970, Legislative Document 1362, "Resolve, Relating to a Review of Risks Associated with Tar Sands Oil," 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 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 750, Legislative Document 1057, "An Act Related to Public Funding of Charter Schools," 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?"

89 voted in favor and 54 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 430, Legislative Document 611, "An Act To Adjust Maine's Minimum Wage Annually Based on Cost-of-living Changes," 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?"

89 voted in favor and 54 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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

**COMMUNICATIONS**

The Following Communication: H.C. 259

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
CLERK'S OFFICE**

July 9, 2013

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

Dear Secretary Grant:

House Paper 762, Legislative Document 1069, "An Act To Provide Flexibility in the State Prevailing Wage and Benefit Rates," 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?"

76 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 893, Legislative Document 1259, "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," 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?"

86 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 842, Legislative Document 1198, "An Act To Protect Earned Pay," 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?"

89 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 337, Legislative Document 487, "Resolve, To Establish MaineCare Eligibility for Young Adults Who Were Formerly in Foster 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?"

87 voted in favor and 54 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 579, Legislative Document 828, "An Act To Improve the Administration of the Child Care Subsidy Program and To Prevent Erroneous Termination of Child Care Services," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

90 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 1068, Legislative Document 1486, "An Act To Maximize Funds Available To Provide Oral Health Care Services to Persons with Developmental, Behavioral or Other Severely Disabling Conditions Requiring Specialized and Time-intensive Oral Health Care," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

87 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 982, Legislative Document 1383, "An Act To Improve the Delivery of Early Child Care and Education Services," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

89 voted in favor and 53 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:

H.P. 1148

**JOINT RESOLUTION EXPRESSING THE STATE OF MAINE'S SYMPATHY AND CONDOLENCES CONCERNING THE TRAGEDY AT LAC-MEGANTIC, QUEBEC**

WHEREAS, in the early morning of July 6, 2013, a driverless runaway train carrying crude oil derailed and exploded in Lac-Megantic, a small town in Quebec 10 miles west of the Maine border; and

WHEREAS, 5 locomotives and 72 oil cars had been parked 8 miles from Lac-Megantic when the brakes somehow released and the train rolled down a hill into the center of town, exploding into a giant fireball and flattening dozens of buildings, leaving many people dead or missing and forcing the evacuation of 2,000 townspeople; and

WHEREAS, the Border Patrol and United States Customs called for assistance from the Franklin County emergency management system, and firefighters from Maine immediately travelled to assist in fighting the blazing fire; and

WHEREAS, the train was operated by the Montreal, Maine and Atlantic Railway, based in Hermon, Maine, and the accident is being investigated by Canada's Transportation Safety Board; and

WHEREAS, Maine and Quebec have long had common and close historical, cultural and friendly ties, and this tragedy in Lac-Megantic saddens and shocks the citizens of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, join the people of Lac-Megantic and Canada in the sorrow and anguish of this tragedy, and we extend our deepest sympathy and condolences to all the people of the community.

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

**READ** and **ADOPTED**, in concurrence.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Fund the Agreement with Certain Judicial Department Employees

H.P. 1147 L.D. 1577

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

**COMMUNICATIONS**

The Following Communication: H.C. 260

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

July 9, 2013

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

Dear Secretary Grant:

The House voted today to insist on its previous action whereby Joint Order To Amend the Membership of the Commission To Study Transparency, Costs and Accountability of Health Care System Financing (S.P. 613) Failed Passage.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ** and **ORDERED PLACED ON FILE**.

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**ORDERS OF THE DAY**

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

**Mandate**

An Act To Further Reduce Student Hunger  
S.P. 472 L.D. 1353  
(S "A" S-359 to C "A" S-70)

Tabled - July 9, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ENACTMENT**, in concurrence

(In Senate, June 27, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-70) AS AMENDED BY SENATE AMENDMENT "A" (S-359).**)

(In House, July 9, 2013, **PASSED TO BE ENACTED.**)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 25 Members of the Senate, with 7 Senators having voted in the negative, and 25 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.

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

#### SENATE PAPERS

Bill "An Act To Fund Agreements with Certain State Employee Unions and Ensure Equitable Treatment for Other State Employees" (EMERGENCY)

S.P. 617 L.D. 1576

Presented by Senator THIBODEAU of Waldo. (GOVERNOR'S BILL)

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

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

On motion by Senator **HILL** of York, Senate Amendment "A" (S-370) **READ**.

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

Senator **HILL:** Thank you Mr. President. I just wanted to share with my peer Senators that this amendment removes the deappropriation section within the bill which deappropriated funds related to the elimination of merit pay increases and this bill had been put forth by the Executive Branch and they are in accord with this amendment. Thank you.

On motion by Senator **HILL** of York, Senate Amendment "A" (S-370) **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, without reference to a Committee.

Sent down for concurrence.

All matters thus acted upon, with exception of those matters being held, 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 Today Assigned matter:

An Act To Buy American-made Products

S.P. 311 L.D. 890

Tabled - July 9, 2013, by Senator **JACKSON** of Aroostook

Pending - **CONSIDERATION**

(In Senate, July 9, 2013, Veto Communication (S.C. 522) **READ** and **ORDERED PLACED ON FILE.**)

**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 once again to ask the Body to override L.D. 890. L.D. 890 is a bill talking about buying American products and the veto message talks about having major concerns with any bill that is projected to cost nearly \$300,000. Unfortunately, I believe the Administration created an inflated cost estimate for enforcement and administration of this bill. The \$300,000 was supposed to hire two State workers to implement this bill. I don't believe that we needed two State workers at all. I'm not sure that we needed anyone but, to be fair, the Appropriations Committee came up with \$40,000 to hire one half-time person to implement this. The Bureau of General Services already has to look at state to state procurement. There are already people looking at these issues, but to be very clear on the bill, this is only for State funded projects. They don't have to get down to counting municipalities, towns, anything else, other than State purchases, are affected by this bill. It's already RFPs going out that the State could clearly put in there that the preference was for American made manufacturing. The bill also included an unreasonable cost waiver to protect the public bodies from absorbent pricing of domestic products, permitting the procurement of foreign steel and manufactured goods only when the cost of domestic products is significantly more than the cost of foreign products. The government's designee could afford the flexibility of determining what is reasonable. One of the other questions was, I question why we're spending over \$10,000 through 1554 trying to promote across border trading with Canada and simultaneously cutting them off from opportunities to trade with us. Canada is a great trading partner that this bill, in no way, would be mandating at keeping Canadian good out. To ensure that Maine's trade obligations are honored, the amendment explicitly states that Act will be applied in a manner consistent with the State's obligations under any applicable international agreements by government procurement. As such, Canada could continue to enjoy open access to our procurement markets so long as they provide reciprocity, but countries like China, however, that have closed procurement markets would not

be given that benefit unless they reform their market and allow Maine companies reciprocity.

Another thing that was talked about was L.L. Bean, lobsters, and things like that. None of these things would have applied to this bill. What we're talking about was State contracts with taxpayer funded money and only looking at if there is the ability to have a domestic U.S. made product used first. As time went on, if there was contracts that went out that initially were looked at and there were no U.S. market for it, the State General Services would know that and wouldn't have to go ahead and look for markets that just weren't there.

I think it is definitely something that we really should be doing. Manufacturing here in Maine, and the United States, is a big driver, something that provides a lot of good jobs. Why we would not want to have the State of Maine at least take the opportunity to find out if there is any products being made in the United States or in Maine that we could go to first, that were comparable price wise, I think that's just a good idea. To continue to allow countries like China to undercut our jobs doesn't make sense to me. Just recently the federal government, who has divided Bodies as far as control, passed legislation that allowed military uniforms to be made in the United States and footwear. That footwear is actually coming from the New Balance operation right here in Maine. I think those are the types of things we want to make sure that we're doing in our State purchasing also. That was a divided Congress that passed legislation like that because they realized that it is good to have American people doing jobs that provide good paying jobs.

Finally, the initial vote on this was 30-4 in this Body. I think that's a pretty strong vote. I can't understand why people would want to switch their vote now on something that I think is as important as this bill. A lot of the arguments that were made in the veto message I think aren't accurate. I think maybe that there was some confusion over what the bill actually did because the veto message talks about things that this bill would never ever have any opportunity to change. It's only about State purchases. I would just say that, after voting for this as strong as this Body did with a 30-4 vote, I would hope that people would stick to their initial reaction, that this is a good bill for the people of the state of Maine and for the people of the United States. I certainly hope that we do what's right and override, unfortunately, the second floor's veto of this bill.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleague and friends, I stand today asking all my colleagues of the Senate to vote to override L.D. 890. Made in America. "An Act to Buy American-made Products." What a novel idea. Buy American-made products. When I heard the title of the bill it kind of gave me a jog down memory lane. I said to myself, "Wow, I wonder if anyone remembers when Maine and America were full of saw mills, dowel mills, canneries, tanneries, shoe shops, bag mills, textile mills, woolen mills, paper mills, TV manufacturers, car manufacturers? I wonder if people remember anything about the American dream?" I know when I was younger I had that American dream. I was going to work for an American factory, a Maine factory, and be able to take at least most of my money and buy American products. I kind of wonder who killed the American dream. What ever happened to the promise that anyone could

build a better life by honest labor in American or Maine factories and that my life would be better than my parent's and that my kid's lives would be better than mine? That American dream is gone, now only seen in old Frank Capra movies late at night. Today in America the rich are pulling away from the rest of us, taking almost all of the gains for themselves, leaving the middle class scrambling just to stay where they are and forcing the poor to survive on an increasingly frayed safety net. Within the context of the Chief Executive's veto message he talks about one of the Maine staple factories, L.L. Bean. I like to go down to L.L. Bean. I used to really love to go down to L.L. Bean, Mr. President, because everything was made in Maine or made in America. Now you go down to L.L. Bean and you see Indonesia or Mexico, Guatemala, Honduras, Israel, Japan, South Africa, Egypt, Communist Viet Nam, and Communist China. Well I don't know about you, Mr. President, but I am a proud American and a proud Mainer. I will tell you exactly what this bill is about, Mr. President. This bill is simply about talking about taxpayer dollars for public works. We took municipalities out of the bill. We took out county government out of the bill. We took out schools out of the bill. We are looking at just buying American first. Looking at buying American first. The bill is so benign that there's almost no teeth to it, but just the thought that an American can say to another American, "Why don't we think of buying American first?" Colleagues, I would ask you to please vote red 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 (#382)

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

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

**ABSENT:** Senators: CRAVEN, MILLETT, TUTTLE

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being absent, and 17 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 Chair laid before the Senate the following Tabled and Later Today Assigned matter:

**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  
(S "A" S-342 to C "A" H-552)

Tabled - July 9, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ENACTMENT**, in concurrence

(In Senate, June 27, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-552) AS AMENDED BY SENATE AMENDMENT "A" (S-342).**)

(In House, June 27, 2013, **PASSED TO BE ENACTED.**)

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

Sent down for concurrence.

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

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order:

H.P. 1146

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Transportation shall meet prior to the Second Regular Session of the 126th Legislature to examine the transportation of hazardous materials, including but not limited to petroleum products, by rail in this State. The joint standing committee shall issue a report on its findings, including suggested legislation and recommended measures to ensure effective prevention and emergency responses, no later than December 6, 2013. The committee may introduce a bill during the Second Regular Session of the 126th Legislature relating to the report.

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

**READ.**

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

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

**COMMUNICATIONS**

The Following Communication: H.C. 261

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

July 9, 2013

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

Dear Secretary Grant:

The House voted today to insist on its previous action whereby "An Act To Ensure Student Access to Postsecondary Military Options" (H.P. 1077) (L.D. 1503) Failed of Passage to be Enacted.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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

Senator **GOODALL**: Thank you Mr. President. Men and women of the Senate, this day is one of a very sweet nature for me, one that is my last day in the Senate, one on which I'll be attending my resignation effective immediately upon adjournment sine die. It has been one of the greatest experiences of my life so far, to serve in this Body and to have the trust of the people of my district and the people of the state of Maine, and serve with all of you, my friends, my colleagues, and my greater family. I believe, and I think, we all share that common thread, the common purpose, and the obligation to do what we believe is in the best interest of the state of Maine. We have our challenges and, at times, a road map upon which, ultimately, we share the same goal, maybe different, but within this third floor, within these two Bodies, within this Chamber, the collegiality, the professionalism, the respect that we have for each other, and the understanding for the differences that do occur is something that I think is

impressive, misunderstood, and often not highlighted enough outside of this building. We have great responsibilities when we reach the top of that staircase here on the third floor. For us, and I kind of like it, we turn left. We walk this way into this Chamber and we do what we think is best. We always work hard to represent our districts and I know that shapes legislation and I know that shapes our own opinions. Often there is that give and take, that give and take that makes us keenly aware that we're a very diverse state; one that my district has to acknowledge and recognize the importance of the good Senator from Aroostook's and those logging issues; one where the good Senator from Kennebec needs to understand the challenges around the transportation issues of bridge funding in the good Senator from York's district. We must work together and I can't say that enough. When I leave I'm going to have memories that are long, and that are strong. I once heard someone say that in every town in this state you will have a friend once you have served in this Legislature. You will have somebody that can help you change a tire. You can have somebody that you can call. For that, I'm ever grateful. I encourage all of us to always remember what responsibility lies upon our shoulders in this building, what responsibilities we have to do the best we can, to try our hardest, to try to do what's right at the end of the day, to acknowledge the other side's arguments, to understand them and try to compromise because if we continually follow that mission, if that is our goal, I think Maine will be stronger. We must stand up for what we believe in, but coming together at the end of the day, I think, is really the ultimate responsibility of being a legislator. I am confident that my successor will share those same values and same obligation, regardless of party, to do what is best for the state of Maine. For all that, I wanted to say thank you to you my family, you my friends, and you my fellow colleagues and Senators. Thank you very much. It's been an honor to serve with all of you. Thank you, Mr. President.

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Senator **THIBODEAU** of Waldo was granted unanimous consent to address the Senate on the Record.

Senator **THIBODEAU**: Thank you Mr. President. Ladies and gentlemen of the Senate, I rise just to thank Senator Goodall for being part of the debate that we've had over the past several months here. He touched on the fact that each one of us comes at this from a little different perspective and our life experiences are slightly different and maybe we come to a different conclusion, but they are honest differences and we do learn to respect each other. I've learned to respect Senator Goodall. I know that he has put his heart and soul into representing the good folks from Sagadahoc County and has done that admirably and congratulate him on his new opportunity. I know that that's an exciting opportunity for him and, quite frankly, I'm sure that he will excel at this new position and that the state of Maine will be well served with him in that position. I appreciate getting to know Senator Goodall and being able to work with him. He's been an honest broker in these discussions. It doesn't mean that we always come up with the same conclusion, but I know that I have had an honest partner across the aisle and have enjoyed being able to, quite frankly, sometimes even laugh at ourselves for our own actions. I certainly wish him nothing but the best in his future endeavors. I'm sure that we'll have an opportunity to work together again in the future. Good luck.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, I join with my colleague, Senator Thibodeau, in saying thank you to Senator Goodall. Thank you for being an example, not just to your own caucus but all of us, about how to behave as a Senator and to live everyday as you have the honor of serving in this Body. You have brought the difficult line between being a vigorous partisan for your positions and your party's positions while at the same time always being an honest negotiator. I particularly appreciate how you have always looked for the common threads, to try to find compromise and collaboration with the other side of the aisle. I think you talk about coming up onto the third floor of this building and something changing. I think you best represent that. When you get up onto this third floor you should be elevated by the honor of our positions. No one has been a better example of that than you have, Senator Goodall. The old saying that our country's gain is our lost is really true. Hopefully the next person that fills that seat, whichever party, will serve with the same intelligence, honesty, and integrity that you have. We're all going to miss you. Thank you, Mr. President.

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I certainly wanted to rise also and say, as everyone has said, what a great job Senator Goodall has done for the entire Legislature and what a great job he's done for our caucus. He spoke about the other side. Sometimes, I'm sure, the other side for him was actually right here. We didn't always agree on issues, but with Seth the one thing he didn't do, which I learned a lot from, was he didn't make it personal. If I was not in agreement on something he was always there to talk it out or just always willing to listen to a different opinion. He did a great job managing our caucus. I think all our members would say that. Certainly a big loss that we're going to have tomorrow. As Senator Katz and Senator Thibodeau have talked about, how well he interacted with the entire Legislature. Something that we're really going to have to work hard for in our caucus to make up. I don't know if we ever will. We came in together in the 123<sup>rd</sup>. While I'm a number of years older than the Senator, I actually think I've learned a lot from him about how to carry yourself in here. I think, unfortunately, a lot of times my passion gets a little bit unbridled on things. I think the Senator had a good way of reining that in. I'll have to try and keep that in mind in the upcoming days, but I just wanted to say for myself, and I think the entire caucus, how much we're going to miss him. I certainly am. A lot of the times I just wish things would have been better, but I certainly wanted him to know that the way that he dealt with our caucus was absolutely appropriate and the way it should have been done. Nothing but great honor and respect and great hope for what him and his family have to come in the future. I certainly appreciate it. A side note, I'll be looking maybe to get some of those loans from you also. Thank you for everything you've done for us.



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

After Recess

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill" (EMERGENCY)  
H.P. 1141 L.D. 1572  
(H "A" H-575)

In House, July 9, 2013, **FAILED ENACTMENT**.

In Senate, July 9, 2013, **PASSED TO BE ENACTED**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-575) AND "B" (H-581)**, in **NON-CONCURRENCE**.

On motion by Senator **GOODALL** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

Ordered sent down forthwith for concurrence.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Fund Agreements with Certain State Employee Unions and Ensure Equitable Treatment for Other State Employees  
S.P. 617 L.D. 1576  
(S "A" S-370)

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

Senator **HILL:** Thank you Mr. President. Men and women of the Senate, I just wanted to say that I appreciate the work that has been put into this bill and it is the last step for the legislative process and role in the collective bargaining units. I wanted to make clear the role of the Legislature. Under law, the Legislative

Council has exclusive authority over compensation for legislative employees, including the establishment of benefit schedules. Our understanding is that as long as the Legislative Council, as the employer, can identify equivalent savings it has the authority to do so, but is not required to grant appropriate increases. I want to correct myself. It has the authority to grant appropriate step increases to employees, including those who are not represented by the bargaining agreement and bargaining agent. I'm sorry, I apologize. I'm tired and my reading was off.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#383)**

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

NAYS: Senators: None

ABSENT: Senators: **CRAVEN, MILLETT, TUTTLE**

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

**ENACTORS**

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

**Emergency Measure**

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

H.P. 1103 L.D. 1536  
(H "A" H-569, H "B" H-570,  
H "C" H-571, H "D" H-572,  
H "E" H-573, H "F" H-574,  
H "G" H-576, H "H" H-577;  
H "I" H-578 to C "A" H-566;  
S "A" S-369)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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Senate at Ease.

Senate called to order by the President.

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

After Recess

Senate called to order by the President.

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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. 1145

ORDERED, the Senate concurring, that the following specified matters be held over to any special and/or regular session of the 126th Legislature.

**Agriculture, Conservation and Forestry**

H.P. 342, L.D. 500 - An Act To Permit Tribal Members To Have Access to Wood Fiber for Fuel, Shelter and Traditional Woodcraft Production

H.P. 873, L.D. 1239 - An Act To Clarify, Streamline and Promote Fair Animal Welfare Laws

H.P. 1092, L.D. 1521 - Resolve, Directing the Department of Agriculture, Conservation and Forestry To Create a Pilot Program To Support the State's Small Food Processors

H.P. 1137, L.D. 1567 - 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

H.P. 1138, L.D. 1568 - 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

H.P. 1139, L.D. 1569 - 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

**Appropriations and Financial Affairs**

H.P. 20, L.D. 16 - An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure

H.P. 23, L.D. 25 - An Act To Exclude Certain State-funded Costs from the State Share of the Total Cost of Funding Public Education

H.P. 34, L.D. 39 - An Act To Expand the Number of Qualified Educators

H.P. 54, L.D. 62 - An Act To Provide Additional Funding for Respite Care for the Elderly and for Adults with Disabilities

S.P. 38, L.D. 87 - An Act To Improve Community Mental Health Treatment

S.P. 47, L.D. 126 - An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations

H.P. 112, L.D. 137 - An Act To Amend the Laws Governing Retirement under the Maine Public Employees Retirement System

H.P. 113, L.D. 138 - An Act To Amend the Laws Governing the Issuance of Bonds That Have Been Ratified by the Citizens of the State

H.P. 131, L.D. 156 - RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot

H.P. 140, L.D. 180 - An Act Concerning the Use of Tobacco Settlement Funds for Children's Health Care

H.P. 142, L.D. 182 - An Act To Support the Maine Lobster Industry

H.P. 147, L.D. 186 - An Act To Amend the Laws Governing Disability Retirement Determinations by the Maine Public Employees Retirement System

LEGISLATIVE RECORD - SENATE, TUESDAY, JULY 9, 2013

- H.P. 182, L.D. 221 - An Act To Authorize a General Fund Bond Issue To Provide Funds for a Public-private Partnership for a New Science Facility at the Maine Maritime Academy
- H.P. 189, L.D. 228 - An Act To Authorize a General Fund Bond Issue To Reduce Energy Costs by Weatherizing and Upgrading the Energy Efficiency of Maine Homes and Businesses and To Create Jobs by Providing for a Trained Workforce for Maine's Energy Future
- H.P. 191, L.D. 230 - An Act To Establish the Commission on Health Care Cost and Quality
- S.P. 68, L.D. 232 - An Act To Increase the Base for the Cost-of-living Increase for Retired State Employees and Teachers
- S.P. 70, L.D. 234 - An Act To Provide Tax Treatment Consistency for Limited Liability Companies and S Corporations
- S.P. 81, L.D. 245 - An Act To Authorize a General Fund Bond Issue for Maintenance of State Armories
- S.P. 106, L.D. 273 - An Act Authorizing a General Fund Bond Issue To Fund the Dredging of Casco Bay and the Expansion of the Portland Fish Exchange
- S.P. 109, L.D. 276 - Resolve, To Improve Access to Oral Health Care for MaineCare Recipients
- H.P. 203, L.D. 294 - An Act To Authorize a General Fund Bond Issue To Construct a Facility To Assist Maine Agriculture in Control of Animal and Plant Diagnostics
- H.P. 204, L.D. 295 - An Act To Authorize a General Fund Bond Issue To Provide Weatherization Rebates for Veterans and Persons Eligible for Social Security
- S.P. 139, L.D. 359 - An Act To Authorize a General Fund Bond Issue To Implement the Riverfront Island Master Plan
- S.P. 140, L.D. 360 - An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine
- S.P. 148, L.D. 368 - An Act To Ensure the Continuation of Dairy Farming
- H.P. 253, L.D. 378 - An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Pier at the Gulf of Maine Research Institute
- H.P. 265, L.D. 390 - An Act To Restore MaineCare Coverage for Ambulatory Surgical Center Services
- H.P. 271, L.D. 396 - An Act To Appropriate Sufficient Funds for Indigent Legal Services
- S.P. 168, L.D. 436 - An Act To Raise the Maximum 529 Plan Contribution Tax Deduction
- S.P. 172, L.D. 440 - An Act To Support Community Health Centers through Tax Credits for Dentists and Primary Care Professionals Practicing in Underserved Areas
- H.P. 305, L.D. 455 - An Act To Increase the State Earned Income Credit
- H.P. 314, L.D. 464 - An Act To Change Compensation for Career and Technical Education Region Cooperative Board Meeting Attendance
- H.P. 331, L.D. 481 - An Act To Amend the Laws Governing Virtual Public Charter Schools
- H.P. 338, L.D. 488 - An Act To Improve Access to Home-based and Community-based Care in the MaineCare Program
- H.P. 341, L.D. 499 - An Act To Promote Dental Care for Low-income Populations
- S.P. 203, L.D. 513 - An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future Board and Training Facilities for Tourism-related Training in Labor Market Areas with Higher-than-average Unemployment
- H.P. 357, L.D. 538 - An Act To Align Costs Recognized for Transfer of Nursing Facilities and Residential Care Facilities with Ordinary Commercial and Government Contracting Standards
- H.P. 368, L.D. 549 - An Act To Allow a Person Who Is 21 Years of Age or Older To Expunge Certain Criminal Convictions
- S.P. 221, L.D. 631 - An Act To Change the Taxes on Fuel Purchased for Use Other Than on the Highways
- S.P. 226, L.D. 636 - An Act To Authorize a General Fund Bond Issue To Support Public Higher Educational Facilities
- H.P. 464, L.D. 672 - An Act Relating to Exemption from Immunization for Schoolchildren
- H.P. 482, L.D. 690 - An Act To Ensure Efficiency in the Unemployment Insurance System
- S.P. 256, L.D. 707 - An Act To Provide Assistance to Maine's Dairy Farms
- S.P. 262, L.D. 713 - An Act To Return Local Revenue Sharing to Full Funding
- H.P. 487, L.D. 715 - An Act To Improve Access to Career and Technical Schools
- S.P. 279, L.D. 741 - An Act To Promote Fairness in the Sales Tax Exemption for Vehicles Used in Interstate Commerce
- H.P. 532, L.D. 781 - An Act To Authorize a General Fund Bond Issue To Fund the Construction of a New State Archives Facility

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H.P. 533, L.D. 782 - An Act To Authorize a General Fund Bond Issue To Support Science, Technology, Engineering and Mathematics Education To Enhance Economic Development

H.P. 541, L.D. 790 - An Act To Repeal the Bonding Authority of the Maine Governmental Facilities Authority

H.P. 555, L.D. 804 - An Act To Improve Preventive Dental Health Care and Reduce Costs in the MaineCare Program

S.P. 289, L.D. 864 - An Act Regarding Service of Small Claims Notices

S.P. 299, L.D. 874 - An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Shipping for Maine Businesses, Attract Tourists and Facilitate the Development of Commuter Rail Transportation

H.P. 628, L.D. 904 - An Act To Clarify When Bonds May Be Issued

H.P. 630, L.D. 906 - An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities

H.P. 649, L.D. 925 - An Act To Authorize a General Fund Bond Issue for Riverfront Community Development

H.P. 652, L.D. 928 - An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality

H.P. 657, L.D. 933 - An Act To Establish a Separate Regulatory Board for Dental Hygienists

S.P. 316, L.D. 939 - An Act To Restore Maine's Groundfishing Industry

S.P. 317, L.D. 940 - An Act To Reestablish State-municipal Revenue-sharing as a Compact between the State and Municipal Governments

S.P. 319, L.D. 942 - An Act To Authorize a General Fund Bond Issue To Invest in Deficient State Highways, Bridges and Aviation, Marine, Rail and Transit Facilities

H.P. 664, L.D. 951 - An Act To Repeal the 2-year Limit on Methadone and Suboxone Treatments under MaineCare

H.P. 693, L.D. 979 - An Act To Exempt the Sale of the United States Flag from the Sales Tax

S.P. 343, L.D. 998 - An Act To Provide Consistency in the Application of the Property Tax Exemption for Religious Organizations

H.P. 708, L.D. 1010 - An Act To Authorize a General Fund Bond Issue To Ensure Clean Water

H.P. 709, L.D. 1011 - An Act To Authorize a General Fund Bond Issue To Upgrade Facilities and Purchase Classroom Equipment for Maine's Seven Community Colleges

H.P. 731, L.D. 1036 - An Act To Amend the Social Work Education Loan Repayment Program

H.P. 734, L.D. 1043 - An Act To Authorize a General Fund Bond Issue and To Assist in the Creation of Jobs through Regional Economic Development

H.P. 745, L.D. 1052 - An Act To Authorize a General Fund Bond Issue To Improve Intermodal Infrastructure

S.P. 372, L.D. 1090 - An Act To Authorize a General Fund Bond Issue To Expand Nursing Programs at Maine's Seven Community Colleges

S.P. 377, L.D. 1095 - An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities

S.P. 383, L.D. 1101 - An Act To Authorize a General Fund Bond Issue To Support Waterfront Development

S.P. 388, L.D. 1105 - An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Downtowns through Innovative Business Development and the Creative Economy

H.P. 797, L.D. 1125 - An Act To Authorize a General Fund Bond Issue To Expand Public Water Infrastructure to Areas with Contaminated Well Water

H.P. 807, L.D. 1142 - An Act Regarding Correctional Officers' Retirement

H.P. 822, L.D. 1157 - An Act To Establish the Fair Chance for Employment Act

S.P. 400, L.D. 1163 - An Act To Authorize a General Fund Bond Issue To Fund Main Street and Downtown Economic Development Projects

S.P. 412, L.D. 1175 - An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers

S.P. 417, L.D. 1180 - An Act To Authorize a General Fund Bond Issue for the Maine Community Reinvestment and Job Creation Fund

H.P. 829, L.D. 1185 - An Act To Enhance Efforts To Use Locally Produced Food in Schools

H.P. 832, L.D. 1188 - Resolve, Directing the Department of Health and Human Services To Amend Its Rules of Reimbursement under the MaineCare Program for Audiology and Speech-language Pathology Services

S.P. 421, L.D. 1223 - An Act To Authorize a General Fund Bond Issue To Support the Maine Technology Institute's Action Plan Implementation

H.P. 914, L.D. 1287 - An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers

S.P. 452, L.D. 1309 - An Act To Strengthen the Maine Clean Election Act

S.P. 473, L.D. 1354 - An Act To Create the Aging in Place Program

H.P. 988, L.D. 1385 - An Act To Amend the Reporting Requirements of the Workers' Compensation Management Fund

S.P. 499, L.D. 1395 - An Act Regarding the Cost-of-living Adjustment for Certain State Retirees When the Cost of Living Declines

H.P. 1006, L.D. 1418 - An Act To Authorize a Matching General Fund Bond Issue for Improvements to the Seven Community College Campuses

H.P. 1012, L.D. 1424 - An Act To Increase Mileage Reimbursement and Compensation for Jurors

H.P. 1039, L.D. 1445 - An Act To Facilitate Children's Testimony

S.P. 539, L.D. 1455 - An Act To Authorize a General Fund Bond Issue To Ensure Clean Water and Safe Communities

H.P. 1046, L.D. 1461 - An Act To Require the State To Divest Itself of Assets Invested in the Fossil Fuel Industry

S.P. 542, L.D. 1468 - An Act To Establish the High-efficiency Biomass Pellet Boiler Rebate Program and the Home Heating Conversion Fund

H.P. 1054, L.D. 1473 - An Act To Create a Public Option Pension System

S.P. 557, L.D. 1492 - An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Economy and Communities

S.P. 572, L.D. 1514 - An Act To Reform the Maine Public Employees Retirement System

H.P. 1087, L.D. 1515 - An Act To Increase the Availability of Mental Health Services

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

H.P. 93, L.D. 111 - An Act To Restrict the Sale, Purchase and Use of Fireworks in the State

S.P. 57, L.D. 168 - An Act To Establish Reasonable Restrictions on the Use of Fireworks

H.P. 183, L.D. 222 - An Act Designating the Chief of the State Police as the Only Issuing Authority of a Permit To Carry a Concealed Handgun

H.P. 206, L.D. 297 - An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms

S.P. 192, L.D. 502 - An Act To Allow County Jails To Apply Savings to Debt Service without a Reduction in State Payments

H.P. 454, L.D. 662 - An Act Regarding Sexually Explicit Text Messaging by Minors

S.P. 569, L.D. 1513 - Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Statewide Coordinated Services District System

### **Education and Cultural Affairs**

H.P. 209, L.D. 300 - An Act To Protect School Administrative Units and Taxpayers

S.P. 149, L.D. 369 - An Act To Redesign Maine's School Funding Model

S.P. 340, L.D. 995 - An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools

S.P. 461, L.D. 1330 - An Act To Establish in Law a Method for Alternative Certification of Teachers

H.P. 969, L.D. 1361 - An Act To Strengthen the Teaching of Writing and Mathematics and Improve Maine High School Graduates' College and Career Readiness

S.P. 517, L.D. 1431 - An Act To Support School Nutrition and Expand the Local Foods Economy

S.P. 577, L.D. 1530 - An Act To Establish a Process for the Implementation of Universal Voluntary Prekindergarten Education

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

H.P. 33, L.D. 38 - Resolve, Regarding Legislative Review of Chapter 201: Provider of Last Resort Service Quality, a Major Substantive Rule of the Public Utilities Commission

H.P. 157, L.D. 196 - An Act Regarding the Implementation of the Quality Assurance Program for Public Safety Answering Points

S.P. 108, L.D. 275 - Resolve, To Require the Emergency Services Communication Bureau To Expand the Existing Quality Assurance System

H.P. 435, L.D. 616 - An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission

S.P. 237, L.D. 646 - An Act To Remove the 100-megawatt Limit on Renewable Sources of Energy

H.P. 547, L.D. 796 - Resolve, To Enhance Economic Development by Encouraging Businesses Adjacent to Electric Power Generators To Obtain Power Directly

H.P. 577, L.D. 826 - An Act To Eliminate the Opt-out Charges for Smart Meters

H.P. 663, L.D. 950 - An Act To Establish the Electromagnetic Field Safety Act

H.P. 679, L.D. 965 - An Act To Improve Maine's Underground Facility Damage Prevention Program

H.P. 702, L.D. 1004 - An Act To Clarify Voting Procedures for Standard Water Districts

H.P. 711, L.D. 1013 - An Act To Create the Children's Wireless Protection Act

H.P. 753, L.D. 1060 - An Act To Address Rising Electric Transmission Rates

S.P. 367, L.D. 1085 - An Act To Establish the Renewable Energy Feed-in Tariff

H.P. 812, L.D. 1147 - An Act To Protect Maine's Scenic Character

H.P. 886, L.D. 1252 - An Act To Improve Maine's Economy and Energy Security with Solar and Wind Energy

S.P. 440, L.D. 1278 - An Act To Ensure Equitable Support for Long-term Energy Contracts

H.P. 947, L.D. 1323 - An Act Regarding Wind Power Siting in the Unorganized Territory

S.P. 500, L.D. 1396 - An Act To Create the Lisbon Water District

H.P. 1023, L.D. 1434 - An Act To Clarify the Laws Governing Noise from Wind Turbines

H.P. 1060, L.D. 1479 - An Act To Clarify Telecommunications Regulation Reform

S.P. 579, L.D. 1532 - An Act To Provide Model Language for Standard Sewer District Charters

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

H.P. 236, L.D. 331 - Resolve, To Expand Economic Development in the Town of Orrington by Releasing Certain Riverfront Land from State-imposed Environmental Restrictions

H.P. 545, L.D. 794 - An Act To Amend Setback Requirements and Standards Related to Species Migration under the Laws Regulating Development near Vernal Pools

S.P. 545, L.D. 1483 - An Act To Promote and Enhance State Policy To Preserve and Support Existing Methods of Disposal of Municipal Solid Waste

H.P. 1101, L.D. 1528 - Resolve, To Provide for Livable, Affordable Neighborhoods

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

H.P. 354, L.D. 535 - An Act To Promote Greater Flexibility in the Provision of Long-term Care Services

H.P. 682, L.D. 968 - An Act To Provide Needed Psychiatric Hospitalization for Persons with Mental Illness

H.P. 726, L.D. 1031 - An Act To Require a Mandatory Peer Review Process for the Restraint and Seclusion of Children in a Hospital or Children's Home

H.P. 738, L.D. 1047 - Resolve, To Provide a Better Transition for Foster Children to Independent Adulthood

H.P. 858, L.D. 1213 - An Act To Reduce Costs and Increase Access to Methadone Treatment

H.P. 881, L.D. 1247 - An Act To Expand Coverage of Family Planning Services

S.P. 531, L.D. 1449 - An Act To Amend the Composition and Duties of the Maine Children's Growth Council

S.P. 552, L.D. 1487 - An Act To Implement Managed Care in the MaineCare Program

H.P. 1119, L.D. 1552 - Resolve, To Require the Department of Health and Human Services To Initiate a New Rate-setting Procedure for Preschool Services for Children with Disabilities under the MaineCare Program

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

S.P. 40, L.D. 89 - An Act To Establish a Deadline for Snowmobile Registration

H.P. 128, L.D. 153 - An Act To Establish a Comprehensive Hunting and Fishing License

H.P. 655, L.D. 931 - An Act To Prevent Fish Kills and To Allow for Recreational Use of Sebago Lake

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

S.P. 127, L.D. 347 - An Act To Amend Insurance Coverage for Diagnosis of Autism Spectrum Disorders

S.P. 213, L.D. 523 - An Act To Require Health Insurance Coverage for Hearing Aids for Adults

S.P. 217, L.D. 627 - An Act Relating to Orally Administered Cancer Therapy

H.P. 732, L.D. 1037 - An Act To Provide Access to Affordable Health Care for All Maine Residents by 2020

S.P. 374, L.D. 1092 - An Act To Increase the Use of Long-term Care Insurance

S.P. 430, L.D. 1236 - An Act To Amend the Maine Insurance Code To Ensure Fair and Reasonable Coverage and Reimbursement of Chiropractic Services

H.P. 962, L.D. 1345 - An Act To Establish a Single-payor Health Care System To Be Effective in 2017

H.P. 975, L.D. 1367 - An Act To Require Health Insurance Carriers and the MaineCare Program To Cover the Cost of Transition Services To Bridge the Gap between High School and Independence

S.P. 568, L.D. 1512 - An Act To Increase Funding for Start-ups

#### **Judiciary**

S.P. 263, L.D. 725 - An Act To Implement the Recommendations of the Judicial Compensation Commission

H.P. 838, L.D. 1194 - An Act To Protect Social Media Privacy in School and the Workplace

H.P. 992, L.D. 1389 - An Act To Expedite the Foreclosure Process

S.P. 514, L.D. 1428 - An Act To Protect Religious Freedom

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

H.P. 223, L.D. 314 - An Act To Create the Office of Marketing

S.P. 181, L.D. 449 - An Act To Ensure Consumer Choice in the Purchase of Prescription Drugs

H.P. 539, L.D. 788 - An Act To Provide Vehicle Owners and Repair Facilities Access to Vehicle Diagnostic and Repair Information and Equipment

H.P. 819, L.D. 1154 - An Act To Establish the Maine Length of Service Award Program

S.P. 453, L.D. 1310 - An Act To Improve Access to Dental Care through the Establishment of the Maine Board of Oral Health

S.P. 459, L.D. 1328 - An Act To License Home Building and Improvement Contractors

H.P. 1043, L.D. 1458 - An Act To Enact the Maine Small Business Investment Protection Act

S.P. 544, L.D. 1482 - An Act To Amend the Motor Vehicle Franchise Laws

H.P. 1135, L.D. 1565 - An Act To Preserve Code Enforcement Officer Training and Certification

#### **Maine's Workforce and Economic Future**

S.P. 497, L.D. 1393 - An Act To Encourage Entrepreneurial Investment in Maine

#### **Marine Resources**

H.P. 583, L.D. 832 - An Act To Enable Small-scale Cooperative Management of Sea Urchin Resources

S.P. 501, L.D. 1397 - An Act To Create Equity and Fairness in the Elver Industry

S.P. 536, L.D. 1452 - An Act To Allow Municipalities with Shellfish Conservation Ordinances To Request Permission To Prohibit Marine Worm Harvesting

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

H.P. 172, L.D. 211 - An Act To Amend the Laws Governing the Limitation on County Assessments

H.P. 817, L.D. 1152 - Resolve, To Continue Consultation and Conditions Prerequisite to the Sale or Lease of Certain Real Property in Hallowell

S.P. 414, L.D. 1177 - An Act To Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group

S.P. 455, L.D. 1312 - An Act To Create a Succession and Knowledge Transfer Plan for State Government

H.P. 1108, L.D. 1541 - An Act To Ensure That Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown

H.P. 1114, L.D. 1547 - An Act To Support Municipal Volunteers

#### **Taxation**

H.P. 567, L.D. 816 - An Act To Reduce the Property Tax Burden and Improve the Circuitbreaker Program

H.P. 640, L.D. 916 - An Act To Promote Investment in Maine's Communications Network and Natural Gas Network

H.P. 660, L.D. 936 - An Act To Authorize Municipalities To Impose Service Charges on Tax-exempt Property Owned by Certain Nonprofit Organizations

S.P. 341, L.D. 996 - An Act To Improve the Accuracy of Fuel Tax Reporting

H.P. 792, L.D. 1120 - An Act To Improve Maine's Tax Laws

H.P. 998, L.D. 1402 - An Act To Amend the Taxes Imposed on Alcohol and Lodging

H.P. 1009, L.D. 1421 - An Act To Permit a Student Holding a Degree from a Non-Maine Institution To Participate in the Job Creation Through Educational Opportunity Program

H.P. 1048, L.D. 1463 - An Act To Examine Best Practices Relating to Tax Expenditures

H.P. 1102, L.D. 1535 - An Act To Provide Maine's Businesses Tax Relief for Destroyed or Stolen Products

#### **Transportation**

H.P. 90, L.D. 108 - An Act To Rename Big Moose Mountain as Red Eagle Mountain

H.P. 102, L.D. 120 - An Act To Facilitate Regional Transit

H.P. 385, L.D. 566 - Resolve, To Enhance and Encourage Economic Development of the Lower Penobscot River Basin by Improving Rail Transportation

H.P. 769, L.D. 1076 - An Act To Allow for the Equalization of Truck Weights between Maine and Canada for Limited Use at the Border Crossings

H.P. 951, L.D. 1327 - An Act To Provide Greater Options for Transportation of Public School Students for Cocurricular Activities

H.P. 973, L.D. 1365 - An Act To Promote New Models of Mobility and Access to Transportation

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

S.P. 20, L.D. 31 - An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations

H.P. 188, L.D. 227 - An Act Concerning High-stakes Beano

S.P. 201, L.D. 511 - An Act To Implement the National Popular Vote for President

S.P. 209, L.D. 519 - An Act To Establish Advance Deposit Wagering for Harness Racing

S.P. 253, L.D. 704 - An Act To Improve the Availability of Coupons in the State

H.P. 517, L.D. 766 - An Act To Define "Brand" under the Liquor Laws

H.P. 780, L.D. 1111 - An Act To Allow Maine's Harness Racing Industry To Compete with Casino Gaming

H.P. 925, L.D. 1298 - An Act To Authorize the Houlton Band of Maliseet Indians To Operate a Casino in Aroostook County

H.P. 942, L.D. 1319 - An Act To Authorize a Federally Recognized Indian Tribe in the State To Benefit from the Operation of an Existing Casino

H.P. 1071, L.D. 1494 - An Act To Alter the Distribution of Maine Clean Election Act Funds

H.P. 1091, L.D. 1520 - An Act To Allow the Passamaquoddy Tribe To Operate Slot Machines in Washington County in Conjunction with High-stakes Beano

Comes from the House, **READ** and **PASSED AS AMENDED BY HOUSE AMENDMENTS "B" (H-580) AND "C" (H-582)** thereto.

#### **READ**

House Amendment "B" (H-580) **READ** and **ADOPTED**, in concurrence

House Amendment "C" (H-582) **READ** and **ADOPTED**, in concurrence.

**PASSED AS AMENDED**, in concurrence.

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

#### **ENACTORS**

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

#### **Mandate**

An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County

H.P. 25 L.D. 27

(S "A" S-368 to C "A" H-503)

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I'd just like to tell you a little bit about this bill. The town of Livermore Falls would like to be part of Franklin County instead of Androscoggin County. This bill allows the town of Livermore Falls to vote on this. It was a unanimous report out of committee. Nothing controversial or partisan about it. Livermore Falls just happens to be closer to Farmington than it is to Lewiston. Thank you very much.

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

Senator **CLEVELAND:** Thank you Mr. President. Men and women of the Senate, as one of the three Senators from Androscoggin County, I just wanted to briefly say that I would encourage you to vote for this. Livermore Falls is at the top of the Androscoggin County; geographically, demographically, and economically. The folks really are much more oriented towards Franklin County than they are Androscoggin County. Many people work there. They shop in that area. They go to the medical facilities in Franklin County. They are much closer to the county seat in Franklin County than they are in Auburn. All this bill does is simply allows the counties to vote to see if Androscoggin County is willing to release Livermore Falls and to see whether Franklin County is willing to accept Livermore Falls. I think it's an opportunity to let the folks in those two counties decide what they think is best and I would urge you to support this bill.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I just wanted to rise really quick to agree with the Senator from Kennebec and the Senator from Androscoggin, that this is, as the Senator who represents Livermore Falls in this Body, a bill that that community would definitely like to see go forward. They are geographically and economically connected with Franklin County. This would simply allow them to make the decision. It would allow the votes to take place and to move forward in the long process that it takes to go forward to do a secession. I would encourage you all to vote for this bill. 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, it's obvious that everybody wants to be part of Franklin County, so we should let this happen. Thank you very much, Mr. President.

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill

H.P. 1141 L.D. 1572  
(H "A" H-575; H "B" H-581)

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

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

**RECESSED** until 11:58 in the evening.

After Recess

Senate called to order by the President.

The following proceedings were conducted after 12:01a.m., Wednesday, July 10, 2013.

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

**ORDERS**

On motion by Senator **JACKSON** of Aroostook, the following Senate Order:

S.O. 17

Ordered, that a message be sent to Governor Paul R. LePage informing him that the Senate is ready to Adjourn Without Day.

**READ and PASSED.**The Chair appointed the Senator from Aroostook, Senator **JACKSON** to deliver the message to the Governor. The Senator was escorted to the Governor's Office.

Subsequently, the Senator from Aroostook, Senator **JACKSON** reported that he had attempted to deliver the message with which he was charged.

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

**ORDERS**

On motion by Senator **GOODALL** of Sagadahoc, the following Senate Order:

S.O. 16

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

**READ and PASSED.**

The Chair appointed the Senator from Sagadahoc, Senator **GOODALL** to deliver the message to the House. The Senator was escorted to the House.

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

Senate at Ease.

Senate called to order by the President.

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

On motion by Senator **MAZUREK** of Knox, the Honorable **JUSTIN L. ALFOND**, President of the Senate, declared the First Regular Session of the 126<sup>th</sup> Legislature, **ADJOURNED SINE DIE** at 12:18 in the morning in memory of and lasting tribute to the Honorable William D. Hathaway of Lewiston and Reno M. Thibodeau of Frankfort.