

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Daily Edition

Second Regular Session
beginning January 8, 2014

beginning at Page 1544

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

In Senate Chamber
Tuesday
February 4, 2014

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

Prayer by Father Lou Phillips, Cathedral of the Immaculate
Conception in Portland.

FATHER PHILLIPS: Let us pray. Heavenly Father, we pray this morning for Your blessings upon this assembled Body and that You make us aware of Your presence in this Chamber and Your holy presence in one another. Keep us this day in Your hand and give us the assurance of Your walk with us as we go about the business of deliberating the affairs of our beloved state of Maine. Enlighten us with the measure of Your wisdom and love, that we would use the gifts You have given us for the good of all. Where there is confusion, give us clarity of thought. Where there is danger, cause us to walk carefully. Where there is injustice, help us to work untiringly to eliminate it. Grant us the strength to withstand criticism, the humility to accept help and guidance when offered, and the courage to do the right thing. At the end of the day, let us know that all that is required of us is in words of Your prophet Micah, "To love mercy, do justly, and to walk humbly with our God." Amen.

Pledge of Allegiance led by Senator Geoffrey M. Gratwick of
Penobscot County.

Reading of the Journal of Thursday, January 30, 2014.

Doctor of the day, Craig Curtis, MD of Holden.

Off Record Remarks

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 am so honored today to be able to have in the Senate Chamber with us Coach Robbie Vachon, who is seated behind me, his assistant coaches, and, in the balcony, the entire Cony High School Class B Football State Champions. Mr. President, this is a team that really brought a community together this past

season, this group of young men. It's particularly significant because, for Augusta, it's our first State Championship in this sport since 1932. We are also honored that Ben Lucas, who is the quarterback of this team, set a record for the most touchdown passes in Maine history. That's all of Maine football history. He was named the Fitzpatrick Award winner this year. Ben would be the first to tell you, and I've heard him say, this was a team effort. This was an accomplishment of 50 young men. As you know, there are 11 players on the field at a time. This championship belongs to the offensive line, it belongs to the defensive back field, and it belongs to the special team players. It also belongs to those young men who were rarely on the field, who worked hard in practice every day, who earned this just as much, even if they didn't play a lot, because they pushed their teammates in practice, they pushed their teammates in the weight room during the summer, and this is truly a championship for all 50, as well as the coaches. I'd just like to take one minute, Mr. President, to tell you about the last game of the season against a terrific Kennebunk team. Cony was behind with about 4-1/2 to 5 minutes to go. Kennebunk had the ball and was ahead. Kennebunk's star player broke through the Cony line and off on about a 70 yard run to clinch the championship for Kennebunk. The game was essentially over, but out of nowhere comes John Bennett. I don't know how he got there, but he tracked him down and tackled him at the 2. Frankly, it was a great play, but it seemed kind of meaningless at the time because Kennebunk had the ball to 2. They obviously was going to push it in and then be up by 10 points and Cony would be out of the game. The very next play, Cony players caused a fumble and recovered the ball at the 1 yard line with just over 4 minutes to go and with 99 yards standing between themselves and the State Championship. They drove those 99 yards in quite an impressive fashion, ending up with a 25 yard pass to Jonathan Saban to win the game. Mr. President, I would suggest that it was simply the best high school football game ever played, and certainly the best game in a championship. Mr. President, these men will go on to great things in the military and academia. I suspect that there are lawyers and doctors up in the balcony. For the rest of their lives they will be State Champions and I'm so proud to have them here this morning. Thank you, Mr. President.

THE PRESIDENT: The Chair is pleased to recognize in gallery of the chamber the members and coaches of the Cony High School Football Team, this year's Class B State Champion winners. Will they please rise and accept the warm greeting of the Maine State Senate.

Out of order and under suspension of the Rules, on motion by Senator **JACKSON** of Aroostook, the following Senate Order:
S.O. 25

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 7:00 this evening, in the Hall of the House for the purpose of extending to Governor Paul R. LePage, an invitation to attend and make such communication as pleases him.

READ and PASSED.

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

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

COMMUNICATIONS

The Following Communication: S.C. 686

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

January 16, 2014

The Honorable Justin Alfond President of the Senate State House Station #3 Augusta, ME 04333-0003	The Honorable Mark Eves Speaker of the House State House Station #2 Augusta, ME 04333-0002
--	---

Dear President Alfond and Speaker Eves:

I thank you for the invitation to deliver my State of the State address at a Joint Session of the 126th Legislature. I will be there on Tuesday, February 4, 2014 at 7:00 p.m.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 687

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

January 31, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Justice Nancy Mills of Cornville and Justice Andrew M. Horton of Falmouth for reappointment as Justices to the Maine Superior Court.

Pursuant to Article V, Part First, §8 of the Maine Constitution, these reappointments are contingent on the Maine Senate

confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 688

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

January 31, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating the following for reappointments as a District Court Judge:

Judge Rick E. Lawrence of Portland
Judge Valerie Stanfill of Wayne
Judge Charles A. Dow of Winthrop
Judge Michael P. Cantara of Biddeford

Pursuant to Title 4 MRSA §157, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 690

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

January 31, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

LEGISLATIVE RECORD - SENATE, TUESDAY, FEBRUARY 4, 2014

This is to inform you that I am today nominating Tracy B. Bigney of Bangor and Abigail C. Yacoben of West Bath for reappointments to the State Civil Service Appeals Board.

Pursuant to Title 5, MRSA §7081, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 691

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

January 31, 2014

The Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Joseph P. Laliberte of Lewiston and Barbara J. Dresser, Esq of Saco for reappointments to the Gambling Control Board.

Pursuant to Title 8, MRSA §1002, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 692

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

January 31, 2014

The Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Ralph W. Sarty, Jr. of Denmark for appointment to the State Liquor and Lottery Commission.

Pursuant to Title 5, MRSA §283-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 706

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

January 31, 2014

The Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Associate Justice Andrew M. Mead Sr. of Bangor for reappointment as an Associate Justice to the Maine Supreme Judicial Court.

Pursuant to Article V, Part First, §8 of the Maine Constitution, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 693

**MAINE HEALTH AND HIGHER EDUCATIONAL
FACILITIES AUTHORITY**

January 24, 2014

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

RE: Quasi-Independent State Entities annual report required under 5 MRSA c.379, sub-c.3, section 12023

Dear Speaker Eves and President Alford:

I am pleased to provide the following annual report concerning the operating activities of the Maine Health and Higher Educational Facilities Authority (the Authority) for our fiscal year ended June 30, 2013.

The Authority adopted and implemented policies and procedures concerning purchasing, contributions and lobbying and travel prior to July 1, 2013. All employees of the Authority are familiar with these policies and procedures and are aware that only the Executive Director can waive them. No changes have been made to the policies and procedures since adoption.

The Authority's Board of Commissioners approves an annual operating budget. They are also provided a periodic Treasurer's Report that details all expenditures, including a comparison of budget to actual expenditures and a list of checks written during the period of the report in order to monitor compliance with all policies and procedures. The Commissioners are given an opportunity to question the staff concerning the report before they vote to approve it. Backup for any expenditure is provided to the Board, upon request.

As a bit of background, the Authority shares administrative space, expenses, personnel and associated costs with the Maine Governmental Facilities Authority and the Maine Municipal Bond Bank. All shared costs are allocated based on employee time and billed to each entity by the Maine Municipal Bond Bank. All employees are employees of the Maine Municipal Bond Bank.

Expenditures with Competitive Procurement Waived:

The Authority has a continuing relationship with its bond trustee, US Bank. This relationship began in the 1990's and has continued as US Bank has honored the original fee schedule and has provided superior service. The Authority paid US Bank approximately \$102,000 in fiscal year 2013. US Bank has recently notified the Authority that it will be increasing its fees in fiscal year 2014, which will result in the Authority issuing an RFP for trustee services.

As an issuer of municipal securities, the Authority incurs some bond issue related expenses which are required by the industry and do not lend themselves to be put out for an RFP. These vendors include the rating agencies Standard and Poor's, Moody's Investor Services and Fitch, Inc. who provide bond ratings on all bonds. These payments totaled \$249,500 in fiscal year 2013.

Other:

The Authority made no contributions to any person during fiscal year 2013.

The Authority does not employ any person, other than Authority staff, for the purpose of lobbying.

Please feel free to contact me with any questions or comments that you might have concerning this report. I can be reached at 622-1958 or by e-mail at mrg@mhhefa.com.

Sincerely yours,

S/Michael R. Goodwin
Executive Director

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 694

MAINE GOVERNMENTAL FACILITIES AUTHORITY

January 24, 2014

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

RE: Quasi-Independent State Entities annual report required under 5 MRSA c.379, sub-c.3, section 12023

Dear Speaker Eves and President Alford:

I am pleased to provide the following annual report concerning the operating activities of the Maine Governmental Facilities Authority (the Authority) for our fiscal year ended June 30, 2013.

The Authority adopted and implemented policies and procedures concerning purchasing, contributions and lobbying and travel prior to July 1, 2013. All employees of the Authority are familiar with these policies and procedures and are aware that only the Executive Director can waive them. No changes have been made to the policies and procedures since adoption.

The Authority's Board of Commissioners approves an annual operating budget. They are also provided a periodic Treasurer's Report that details all expenditures, including a comparison of budget to actual expenditures and a list of checks written during the period of the report in order to monitor compliance with all policies and procedures. The Commissioners are given an opportunity to question the staff concerning the report before they vote to approve it. Backup for any expenditure is provided to the Board, upon request.

As a bit of background, the Authority shares administrative space, expenses, personnel and associated costs with the Maine Health and Higher Educational Facilities Authority and the Maine Municipal Bond Bank. All shared costs are allocated based on employee time and billed to each entity by the Maine Municipal Bond Bank. All employees are employees of the Maine Municipal Bond Bank.

Expenditures with Competitive Procurement Waived:

The Authority has a continuing relationship with its bond trustee, The Bank of New York/Mellon. This relationship began in the late 1990's and has continued as The Bank of New York/Mellon has honored the original fee schedule and has provided superior service. The Authority paid The Bank of New York/Mellon approximately \$22,000.00 in fiscal year 2013. The Bank of New York/Mellon has recently notified the Authority that it will be increasing its fees in fiscal year 2014, which will result in the Authority issuing an RFP for trustee services.

As an issuer of municipal securities, the Authority incurs some bond issue related expenses which are required by the industry and do not lend themselves to be put out for an RFP. These vendors include the rating agencies Standard and Poor's, Moody's Investor Services and Fitch, Inc. who provide bond ratings on all bonds. These payments totaled approximately \$41,550 in fiscal year 2013.

The buildings financed by the Authority are used by the State for State purposes. The Authority pays building insurance on those buildings through Risk Management at the State. The total building insurance paid by the Authority for fiscal year 2013 was \$25,175.

Other:

The Authority made no contributions to any person during fiscal year 2013.

The Authority does not employ any person, other than Authority staff, for the purpose of lobbying.

Please feel free to contact me with any questions or comments that you might have concerning this report. I can be reached at 622-9386 or by e-mail at mrg@mgfa.com
Sincerely yours,

S/Michael R. Goodwin
Executive Director

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 695

MAINE MUNICIPAL BOND BANK

January 24, 2014

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

RE: Quasi-Independent State Entities annual report required under 5 MRSA c.379, sub-c.3, section 12023

Dear Speaker Eves and President Alford:

I am pleased to provide the following annual report concerning the operating activities of the Maine Municipal Bond Bank (the Bond Bank) for our fiscal year ending June 30, 2013.

The Bond Bank adopted and implemented policies and procedures concerning purchasing, contributions and lobbying and travel prior to July 1, 2013. All employees of the Bond Bank are familiar with these policies and procedures and are aware that only the Executive Director can waive them. No changes have been made to the policies and procedures since adoption.

The Bond Bank's Board of Commissioners approves an annual operating budget. They are also provided a periodic Treasurer's Report that details all expenditures, including a comparison of budget to actual expenditures and a list of checks written during the period of the report in order to monitor compliance with all policies and procedures. The Commissioners are given an opportunity to question the staff concerning the report before they vote to approve it. Backup for any expenditure is provided to the Board, upon request.

As a bit of background, the Bond Bank shares administrative space, expenses, personnel and associated costs with the Maine Health and Higher Educational Facilities Authority and the Maine Governmental Facilities Authority. All shared costs are allocated based on employee time and billed to each entity by the Bond Bank. All employees are employees of the Bond Bank.

Expenditures with Competitive Procurement Waived:

The Bond Bank has an ongoing relationship with three vendors that it has not issued an RFP for in more than several years.

The Bond Bank purchases its health and dental insurance through the Maine Municipal Employee's Health Trust (the Health Trust) and also provides the employees an opportunity to purchase long and short term disability and vision insurance, at their option. The Health Trust is a multi-employer, non-profit aggregator of these employee benefits and the Bond Bank believes that it will not be able to purchase these benefits at a lower cost elsewhere. The Bond Bank paid the Health Trust approximately \$363,000.00 in fiscal year 2013, which included benefits that the employees purchased at their option.

The Bond Bank has a continuing relationship with Bangor Savings Bank which provides the Bond Bank with investment custodian services. Bangor Savings Bank has not increased its

fee for these services since the inception of the relationship in 1994. The Bond Bank believes that it is receiving superior service at a very reasonable cost. The Bond Bank paid Bangor Savings Bank approximately \$137,000.00 in fiscal year 2013. The Bond Bank anticipates that it will be issuing an RFP for these services in fiscal year 2014.

The Bond Bank has a continuing relationship with its bond trustee, US Bank. This relationship began in the early 1980's and has continued as US Bank has honored the original fee schedule and has provided superior service. The Bond Bank paid US Bank approximately \$122,000.00 in fiscal year 2013. US Bank has recently notified the Bond Bank that it will be increasing its fees in fiscal year 2014, which will result in the Bond Bank issuing an RFP for trustee services.

As an issuer of municipal securities, the Bond Bank incurs some bond issue related expenses which are required by the industry and do not lend themselves to be put out for an RFP. These vendors include the rating agencies Standard and Poor's, Moody's Investor Services and Fitch, Inc. who provide bond ratings on all bonds. These payments totaled approximately \$103,000.00 in fiscal year 2013.

The Bond Bank periodically refunds (refinances) bond issues that require, pursuant to the call provisions of the bonds, the publication of call notices of the refunded bonds in a publication, the Bond Buyer - Source Media, Inc., that is published in New York, New York. The Bond Bank's Trustee for all its bond issues, US Bank, publishes these call notices which totaled approximately \$40,000 in fiscal year 2013.

Other bond issue related payments that aggregate more than \$10,000 include Anderson Aquino, LLP, who is the counsel of our Trustee, US Bank. The Bond bank, pursuant with its agreement with its trustee, pays \$5,000 per new bond issue to trustee counsel for their preparation and review of various bond documents. Total payments from the Bond Bank to Anderson Aquino, LLP were \$20,000 in fiscal year 2013.

Other:

The Bond Bank made no contributions to any person during fiscal year 2013.

The Bond Bank does not employ any person, other than Bond Bank staff, for the purpose of lobbying.

Please feel free to contact me with any questions or comments that you might have concerning this report. I can be reached at 622-9386 or by e-mail at mrg@mmbb.com.

Sincerely yours,

S/Michael R. Goodwin
Executive Director

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 696

**STATE OF MAINE
WORKERS' COMPENSATION BOARD**

January 31, 2014

Justin L. Alford
President of the Maine Senate
Office of the President of the Senate
3 State House Station
Augusta, Maine 04333

RE: Annual report of the Workers' Compensation Board pursuant to 5 M.R.S.A. § 12023(2)

Dear Senate President Alford:

I am submitting this annual report on behalf of the Workers' Compensation Board (Board) pursuant to 5 M.R.S.A. § 12023(2).

A. A list of all procurements exceeding \$10,000 in the preceding year for which competitive procurement was waived under the policies adopted pursuant to section 12022, subsection 3, including procurements exceeding \$10,000 that were made under contracts previously entered into for which competitive procurement was not required. The list must include the names of the vendors and costs associated with those procurements.

- The Board did not have any such procurement.

B. A list of all persons to which the entity made contributions greater than \$1,000 in the preceding year and the total amount contributed to each.

- International Association of Industrial Accident Boards and Commissions (IAIABC) -- \$1,500.00. These funds pay for the Board's membership in the IAIABC which is directly related to the Board's mission and activity. As one example, the Board has worked extensively with IAIABC (and other states) to develop protocols for electronic filing of information.

C. A description of changes made in the preceding year to the written policies and procedures required by section 12022 or to the procedures used by the governing body to monitor compliance with those policies and procedures.

- No changes have been made to the Board's policies and procedures.

Very truly yours,

S/Paul H. Sighinolfi, Esq.
Executive Director/Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 697

**MAINE MARITIME ACADEMY
OFFICE OF THE PRESIDENT**

January 28, 2014

The Honorable Justin Alford
President of the Maine Senate
Maine Legislature
3 State House Station
Augusta, Maine 04333-0003

RE: 5 MRSA §12023

Dear President Alford:

I am writing on behalf of the Board of Trustees of the Maine Maritime Academy to submit the annual report to the Legislature required by 5 MRSA §12023.

Please feel free to let me know if you have any questions.

Thank you,

Dr. William J. Brennan
President

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

The Following Communication: S.C. 698

**UNIVERSITY OF MAINE SYSTEM
OFFICE OF THE CHANCELLOR**

January 31, 2014

The Honorable Justin Alford
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

The Honorable Mark Eves
Speaker of the House of Representatives
2 State House Station
Augusta, ME 04333-0002

Dear President Alford and Speaker Eves:

In accordance with 5 MRSA, Sections 12021 through 12024 (2011 Public Law, Chapter 616), attached you will find the report of the University of Maine System as required by section 12023.

Please don't hesitate to contact us if we can answer any questions or provide any additional information.

Sincerely,

S/James H. Page, Chancellor
University of Maine System

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

The Following Communication: S.C. 699

**MAINE COMMUNITY COLLEGE SYSTEM
OFFICE OF THE PRESIDENT**

January 30, 2014

The Honorable Justin Alford, President
Maine State Senate
3 State House Station
Augusta, ME 04333-0003

Dear President Alford:

I am pleased to submit on behalf of the Board of Trustees of the Maine Community College System (MCCS) the attached report on certain procurements, contribution and policy changes for the period July 1, 2013 through December 31, 2013 as required by 5 M.R.S.A. §12023(2).

On November 28, 2012, the Trustees adopted revised and/or new policies and procedures in the six subject matters required by 5 M.R.S.A. §12022. On February 1, 2013 MCCS reported those policies and procedures to the Legislature as required by 5 M.R.S.A. §12023(1).

To report the information required by §12023(2), MCCS developed a customized business office module for each of the seven colleges and the System Office, and then fed that module with data from the purchase order, cash disbursements and credit card systems. There are hundreds of purchases and expenditures across the state by the seven colleges, ten centers and System Office every business day. While the task is complex, our review indicates that the colleges' compliance with System policy has been substantial. Expenditures are consistently mission related and, in those few areas where some improvements can be made, they are already underway. MCCS will continue to use its internal controls and annual outside audit to adapt its systems to changing needs, and our Board of Trustees will continue their own ongoing attention to these matters at their regular meetings.

If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely yours,

S/John Fitzsimmons
President

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

The Following Communication: S.C. 700

MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM

January 31, 2014

Honorable Justin Alford
President of the Maine State Senate
3 State House Station
Augusta, Maine 04333

RE: MainePERS Procurement, Contributions, Policies and Procedures

Dear Senate President Alford:

The Maine Public Employees Retirement System (MainePERS) is submitting the enclosed report pursuant to 5 M.R.S.A. §12023 to provide information on procurement, contributions, and changes to relevant policies and procedures by MainePERS during the first six months of Fiscal Year 2014.

Section 12023 was part of PL 2011, chapter 616, "An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-Independent State Entities." Among other things, the Act required quasi-independent agencies like MainePERS to implement by July 1, 2013 written policies and procedures on procurement and contributions and then by February 1 of each year, beginning with this year, to submit to the Legislature a report containing:

A. A list of all procurements exceeding \$10,000 in the preceding year for which competitive procurement was waived under the policies . . . , including procurements exceeding \$10,000 that were made under contracts previously entered into for which competitive procurement was not required. The list must include the names of the vendors and costs associated with those procurements;

B. A list of all persons to which the entity made contributions greater than \$1,000 in the preceding year and the total amount contributed to each; and

C. A description of changes made in the preceding year to the written policies and procedures required by section 12022 or to the procedures used by the governing body to monitor compliance with those policies and procedures.

5 M.R.S.A. §12023(2). "The Preceding year" is defined in the statute as the most recently concluded fiscal year.

MainePERS' most recently completed fiscal year was July 1, 2012 to June 30, 2013, which preceded the implementation of the procurement and contribution policies and procedures required by the Act. A report from MainePERS reporting procurements made during its "most recently concluded fiscal year" would address a time frame prior to the implementation of its most current policies on procurement. In keeping with the spirit of the Act, MainePERS is instead reporting on the first half of Fiscal Year 2014, from July 1, 2013 to December 31, 2013. Next year MainePERS will report on Fiscal Year 2014 in its entirety.

We would be pleased to respond to any questions you might have about the report.

Sincerely,

S/Sandra J. Matheson
Executive Director

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 701

MAINE HUMAN RIGHTS COMMISSION

January 30, 2014

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear Speaker Eves and President Alford:

I am pleased to provide you with the Maine Human Rights Commission's report of quasi-independent state entity activity for the preceding year, as required by 5 M.R.S.A. §12023. The Executive Director of the Legislative Council directed such reports to be submitted to your attention.

The Maine Human Rights Commission ("MHRC") is committed to ensuring that its governing body has all the information needed to oversee the MHRC's activities and expenditures responsibly. The MHRC's traditional fiscal year is the same as that of the State of Maine: July 1-June 30.

For the 2013 Fiscal Year (July 1, 2012-June 30, 2013), the MHRC reports as follows:

A. All procurements exceeding \$10,000 for which competitive procurement was waived under the policies adopted pursuant to 5 M.R.S.A. §12022(3), including procurements exceeding \$10,000 that were made under contracts previously entered into for which competitive procurement was not required:

Answer:

In 2012, the MHRC was awarded grants by the U.S. Department of Housing and Urban Development to do special projects that would affirmatively further fair housing and equal opportunity in Maine. The grants were time-limited and labor-intensive. Two of the grants required the MHRC to hire contractors who already had expertise in Maine's fair housing standards and the federal Fair Housing Act; the pool of qualified persons who could do this work on a contract basis in Maine was (and is) extremely limited.

The MHRC contracted with Alpha One, a center for independent living in Maine, to complete twenty-eight architectural surveys of

privately-funded multifamily housing accommodations in Maine constructed for first occupancy after March 13, 1991 in order to assess compliance with the accessible building standards in the Maine Human Rights Act. The original contract was dated April 9, 2012 and called for work totaling \$21,000. When neither the MHRC nor Alpha One was able to identify and/or enlist qualifying housing accommodations in Maine, the contract was amended on September 25, 2013 to reduce the amount paid to \$2,250.

The MHRC also contracted with Pine Tree Legal Assistance ("PTLA"), a legal services agency in Maine, to create online podcasts/videos of fair housing information in foreign language and American Sign Language and to share information on these new fair housing resources through newsletters, social media and outreach events. The original contract dated April 9, 2012 called for work totaling \$29,650. PTLA did much of the work, but was unable to complete all of the planned outreach work. Accordingly, the contract was amended on January 8, 2013 to reduce the amount paid to \$12,426.

B. All persons to whom the MHRC made contributions greater than \$1,000 and the total amount contributed to each.

Answer: None.

C. Changes made in the preceding year to the written policies and procedures required by 5 M.R.S.A. §12022 or to the procedures used by the MHRC to monitor compliance with those policies and procedures.

Answer:

The MHRC's procedures for our governing body to monitor financial and program activities were quite extensive even before 5 M.R.S.A. §12022 required specific policies and procedures for agency governance. Before then, the MHRC already: (i) followed all requirements set forth in the State of Maine's Administrative and Accounting Manual regarding financial policies and procedures, including travel, meals and entertainment, contributions, and other expenditures; (ii) utilized competitive procurement as the standard procurement method; and (iii) followed the requirements of 5 M.R.S.A. Subchapter 1-A ("Rules Governing the Competitive Bid Process"), state regulations governing the purchase of services promulgated by the Department of Administrative and Financial Services, Bureau of General Services, and all current policies, bulletins and recommended practices from the Division of Purchases regarding purchasing special services. Also, even before 5 M.R.S.A. §12022 was enacted, the MHRC Commissioners already closely supervised the activities and expenditures of the agency to ensure that they were limited to those necessary to accomplish the agency's mission by reviewing at public meetings detailed quarterly reports about the activities of the agency in the prior quarter. The quarterly reports then included specific data on: personnel changes; pending caseload, complaint filings and dismissals; case settlements, status of compliance matters and litigation; legislative matters affecting the MHRC; trainings in which MHRC staff took part; and every aspect of the MHRC budget and expenditures on an actual basis.

Even so, on February 25, 2013, the MHRC's Commissioners voted to adopt proposed Financial Policies and Procedures in

compliance with 5 M.R.S.A. §12022¹. The Financial Policies and Procedures, which are attached here for reference, meet all of the requirements of the statute. The adopted Financial Policies and Procedures were implemented on or before July 1, 2013.

To ensure technical compliance with 5 M.R.S.A. §12022 and the agency Financial Policies and Procedures, the MHRC quarterly reporting to our Commissioners was revised to include separate identification and reporting for contributions (labeled "dues" because the Commission does not provide any gifts, donations or sponsorships), procurements, and travel and meals.

We believe that the MHRC is in full compliance with the spirit and letters of 5 M.R.S.A. §§12021-12024, and thank the Legislature for its attention to this matter. Should you or another member of the Legislature require additional information, or have a question, about the above report, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

S/Amy M. Sneirson
Executive Director

¹ Minutes from the MHRC's February 25, 2013 meeting can be found at this link:
http://www.maine.gov/mhrc/meetings/2013/201302_m.pdf

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 702

EFFICIENCY MAINE

January 31, 2014

Honorable Justin L. Alford
President of the Maine Senate
3 State House Station
Augusta, Maine 04333-0003

RE: 5 M.R.S.A. §12023 Reports to the Legislature

Dear President Alford

Pursuant to the above-referenced statutory requirement, this letter and the documents attached to it shall serve as the report of the Efficiency Maine Trust (the Trust) on the sole source procurements, contributions and policy adoptions or amendments.

Attached, please find:

The report of the Trust's FY13 sole source procurements as required in 2.A;

The report of the Trust's FY13 contributions as required in 2.B; and

A copy of the Trust's Procurement Policy which is the only new policy for the past year.

One policy change is with the Trust's Travel Policy that reflects the statutory language on budgeting and transparency. There are no other changes to report as required in 2.C.

Efficiency Maine adheres to the Contract Invoice Process-Roles and Responsibilities, the ARRA Monitoring and Compliance Plan, Chapter 1: Contracting Process for Service Providers and Grant Recipients, the Travel Policy and Contribution Policy as approved by the Efficiency Maine Trust Board of Trustees and transmitted to the Legislature last year. In the spring of 2013, the Board approved the EMT Procurement Policy that is for use by Staff to procure goods and services used for operation of the Trust, as distinct from goods and services used in the delivery of programs.

The Board monitors compliance by relying on the external auditors who report annually to the Board on the Trust's adherence to its policies as part of its annual and A-133 audit of the Trust's financial statements. The audit reports are presented to and adopted by the Board and reported to the State's Office of the Controller.

Respectfully submitted,

S/Michael D. Stoddard
Executive Director

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

The Following Communication: S.C. 703

**STATE OF MAINE
CONNECTME AUTHORITY**

January 30, 2014

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the ConnectME Authority due by February 1, 2014.

Please contact me if you have any questions or need additional information.

Thank you.

Sincerely,

S/Phillip Lindley
Executive Director

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

The Following Communication: S.C. 704

FINANCE AUTHORITY OF MAINE

January 30, 2014

Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Re: Quasi-independent entity report

Dear President Alford and Speaker Eves:

Enclosed please find the 2014 report of the Finance Authority of Maine (FAME) concerning certain procurements and contributions as required by 5 M.R.S.A. § 12023.

In addition to the information provided in the attached report, please note that FAME has made no changes in the preceding year to its written policies and procedures required by 5 M.R.S.A. § 12022 or to its procedures used to monitor compliance with such policies or procedures.

Please let me know if you have any questions or require further information.

Sincerely,

S/Elizabeth L. Bordowitz
Chief Executive Officer

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

The Following Communication: S.C. 708

MAINE STATE HOUSING AUTHORITY

January 31, 2014

LEGISLATIVE RECORD - SENATE, TUESDAY, FEBRUARY 4, 2014

Justin L. Alfond
President of the Maine Senate
c/o Secretary of the Senate
3 State House Station
Augusta, ME 04333-0003

Mark W. Eves
Speaker of the House
c/o Clerk of the House
2 State House Station
Augusta, ME 04333-0002

Subject: OPEGA Report

Dear President Alfond and Speaker Eves:

Pursuant to 5 MRSA 12023 we are pleased to provide you with the following report:

- 1) A list of all procurements during calendar year 2013 exceeding \$10,000 as required under Section 2A.
- 2) A list of all contributions greater than \$1,000 during calendar year 2013 as required under Section 2B.
- 3) No changes have been made to MaineHousing's written policies or procedures.

If you need additional information, please contact me.

Sincerely,

S/John G. Gallagher
Director

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

The Following Communication: S.C. 705

MAINE VENTURE FUND

January 27, 2014

Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

RE: Quasi-Independent State Entities Reports to Legislature

Dear President Alfond and Speaker Eves:

In compliance with P. L. 2011, c. 616 and the requirements of 5 MRSA § 12023, the Small Enterprise Growth Board ("SEGB" or "Board"), the governing body of the Small Enterprise Growth Fund, now doing business as Maine Venture Fund ("MVF" or "Fund"), respectfully submits its Quasi-Independent State Entity Report for 2013, attached hereto.

The SEGB formally adopted its financial policies and procedures by Board vote on December 17, 2012, approved amended policy language on June 24, 2013, and implemented said policies and procedures, effective July 1, 2013, to ensure that all activities and expenditures of the Fund are limited to those necessary to accomplish the Fund's mission and to carry out the Fund's duties consistent with the authorizing law.

If you have any questions or need further information, we will be happy to honor your request.

Respectfully submitted,

S/Stephen Goldberg
Chair
Small Enterprise Growth Board

S/John F. Burns, CFA
Fund Manager
Maine Venture Fund
(d/b/a for Small Enterprise Growth Fund)

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

The Following Communication: S.C. 707

CHILD WELFARE OMBUDSMAN

January 31, 2014

Honorable Justin Alfond
President of the Maine Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond:

I am pleased to present the eleventh annual report of the Maine Child Welfare Ombudsman. Our office reports to the Governor, the department, and the Legislature each year pursuant to 22 M.R.S.A., §4087-A.

The current Child Welfare Ombudsman program has been in operation since 2003. The Ombudsman receives complaints from individuals involved in child welfare cases. Review of a case may be opened by the Ombudsman if the involvement of the Ombudsman is expected to benefit the child or children who are the subject of a complaint or the complaint concerns a policy or practice issue the resolution of which may benefit other children and families.

The Ombudsman's secondary role is to provide information on the Child Welfare process and referrals to other agencies and organizations that may provide help to the individual or family. The Ombudsman also makes policy recommendations to the Department of Health and Human Services Office of Child and Family Services.

There has been one significant change to the Ombudsman's office this year. The long time Ombudsman, Dean Crocker, has retired as of January 1, 2014. I am pleased and honored to introduce myself as the new Ombudsman, and look forward to serving Maine's Children and Families for years to come.

Respectfully,

S/Christine Alberi
Child Welfare Ombudsman

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

SENATE PAPERS

**Pursuant to Joint Rule
Joint Standing Committee on Health and Human Services**

Senator CRAVEN for the **Joint Standing Committee on Health and Human Services**, pursuant to Joint Rule 353 asked leave to report that the accompanying Resolve, Implementing the Recommendations of the Commission To Study the Incidence of and Mortality Related to Cancer (EMERGENCY)
S.P. 697 L.D. 1759

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

**Pursuant to Joint Rule
Joint Standing Committee on Insurance and Financial Services**

Senator GRATWICK for the **Joint Standing Committee on Insurance and Financial Services**, pursuant to Joint Rule 353 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Commission To Study Transparency, Costs and Accountability of Health Care System Financing"
S.P. 698 L.D. 1760

Be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Ben Lucas, of Augusta, quarterback for the Class B champion Cony High School football team and the most prolific passer in Maine high school history, on his winning the James J. Fitzpatrick Trophy. The Fitzpatrick Trophy is given to the top senior player in high school football in Maine based on voting by the coaches and the media. Ben was also named the 2013 *Kennebec Journal* Football Player of the Year and the 2013-2014 Gatorade Maine Football Player of the Year for outstanding athletic excellence, high standards of academic achievement and exemplary character on and off the field. We extend our congratulations and best wishes to Ben on his remarkable achievements in high school football;

SLS 742

Sponsored by Senator KATZ of Kennebec.
Cosponsored by Representatives: FOWLE of Vassalboro,
POULIOT of Augusta, WILSON of Augusta.

READ.

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

Senator **KATZ:** Thank you Mr. President. I just, again, would like to congratulate Ben Lucas, who has now left the building, on being named the Gatorade Fitzpatrick award winner. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

North Yarmouth Academy, a private, college-preparatory, coeducational school in Yarmouth, on the occasion of its 200th Anniversary. It was first chartered on February 4, 1814, when the Governor of the Commonwealth of Massachusetts, Governor Caleb Strong, approved the act to incorporate the academy. The first building was built on land in Yarmouth, formerly named North Yarmouth, donated by the Russell family, and the school opened in 1815. North Yarmouth Academy continues to stress mutual respect, trust and community in order to foster integrity, character and intellect in its students. As it observes this special anniversary, North Yarmouth Academy plans an academic year of celebration. We join with the North Yarmouth Academy community, both past and present, in congratulating the school on

its bicentennial, and we extend our best wishes for many more years of continued success;

SLS 741

Sponsored by Senator WOODBURY of Cumberland.
Cosponsored by Representatives: COOPER of Yarmouth, GIDEON of Freeport, GRAHAM of North Yarmouth, MORIARTY of Cumberland, SAXTON of Harpswell.

READ.

On motion by Senator **HASKELL** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **WOODBURY** of Cumberland to **PASS**.

Joint Resolution

Joint Resolution in Memoriam:

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

Robert N. Jorgensen, of Wells, a longtime prominent member of his community. Mr. Jorgensen was born in Wisconsin and graduated from the University of Wisconsin with a degree in economics. He was a United States Navy veteran of World War II, serving aboard troop transports in the Pacific Theater as a radar technician. After he left the service, Mr. Jorgensen and his wife, Rebecca, and their family moved to Illinois and later to Montana, where he owned a Pepsi Cola bottling plant. He sold the bottling plant in 1967 and joined the Peace Corps, serving in Ghana until 1970. In 1971, he and his wife settled in Wells, where he opened R. Jorgensen Antiques. Mr. Jorgensen was an active member of the community. He was a member of the Wells Rotary Club, the Wells-Ogunquit Chamber of Commerce, the Wells Library and the Wells-Ogunquit Historical Society. He will be greatly missed by his family and friends;

SLS 743

Sponsored by Senator COLLINS of York.
Cosponsored by Representatives: CHASE of Wells, McGOWAN of York.

READ.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, Robert "Bob" Jorgensen was a friend of mine. He nearly made it to 100 years old. He would be 100 this coming May. He had a fall and didn't recover from that, unfortunately. I always referred to Bob as kind of the Renaissance Man. He got involved in a lot of different things in my community, was a well-respected member of the community of the town of Wells. During the Kennedy Administration he, shortly thereafter, joined the Peace Corps and was a staunch supporter of that effort and was until the day he passed away. He was a WWII Navy veteran, served in the Pacific Theater. He was a graduate of the University of Wisconsin, a degree in economics.

He was always a small businessman and always very successful in what he did. The story goes that one day he was reading the Wall Street Journal, saw where there was a Pepsi bottling company for sale in Montana. He went home to his wife, Becky, and said, "Becky, pack your bags. We're going to Montana." She said, "What?" "We're going to Montana. I just put a down payment down on a Pepsi Cola bottling company and we're going to distribute Pepsi in Montana." She said, "Okay." He did and they had successful business for a lot of years. His wife, Becky, preceded him in passing. She was from the town of Wells. She was part of the Clark family and a part of Wells called Wells Ranch. They moved back to Wells in later years. He opened up an antique shop on Route 1 in Wells and was very successful in that. One time we were having a meeting with the Wells Rotary Club, Bob was also a colleague of mine in the Rotary Club, a very active member. He said, "I've got to get back to the shop because Paul's coming." I said, "Paul who?" He said, "Paul Newman and his wife, Joanne Woodward." I said, "Really?" He said, "Oh ya, they are customers of mine." That was pretty impressive. They had a home in, I think, Greenwich, Connecticut and they would come up once in a while and shop at Bob's location. Bob was noted for always coming up with this same saying, I guess it would apply here in this Chamber as well as the full Body of the Maine Legislature. He would simply say, "Let's do it." No obstacle would seem to slow him down or stop him. He just would have said, "Let's do it and get it done." We'd follow Bob's lead and get it done. He was a dynamic individual. One time after a Rotary meeting, this was many years ago, at what was then Polley's Restaurant on Route 1 in Wells, we finished our meeting and I was fishing in my pocket. I was still smoking and was going to pull out a cigarette and have one. Bob said to me, "You're still sucking on those things?" I said, "Ya," kind of sheepishly, "Ya, I am. I'm going to give these up one of these days." He took the cigarette pack out of my pocket, called Nick Polley, the owner of the restaurant. He said, "Nick, let's nail these cigarettes up to the mantle." They had a fireplace in the restaurant. They took that pack of cigarettes over and nailed it right on the mantle. It put a lot of pressure on me to quit and I did. He was that kind of dynamic individual. This coming Sunday we're going to have a memorial for him and his place of business. He'll be sadly missed by the folks in the town of Wells because he was an integral figure in what was happening, all for the good, in the town of Wells. It seems as though those folks that are in that age bracket, in the town of Wells at least, we've lost a lot of them recently. They just kind of brought the community together. He was one of those individuals. From my standpoint, he will be sadly missed. I regret his passing. Thank you, Mr. President.

ADOPTED.

Sent down for concurrence.

At this point a message was received from the House of Representatives, borne by Representative BERRY of Bowdoinham informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 7:00 in the evening for the purpose of extending to Governor Paul R. LePage an invitation to attend and make such communication as pleases him.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-Target Deposition, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

H.P. 1137 L.D. 1567

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-590)**.

Signed:

Senators:

VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
KENT of Woolwich
MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representatives:

HICKMAN of Winthrop
JONES of Freedom

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-590) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Portions of Chapter 20: Special Provisions, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)
H.P. 1138 L.D. 1568

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-591)**.

Signed:

Senators:

VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
KENT of Woolwich
MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representatives:

HICKMAN of Winthrop
JONES of Freedom

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-591)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-591) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Portions of Chapter 51: Notice of Aerial Pesticide Application, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

H.P. 1139 L.D. 1569

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-592)**.

Signed:

Senators:

VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
KENT of Woolwich
MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representatives:

HICKMAN of Winthrop
JONES of Freedom

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-592)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-592) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot

H.P. 131 L.D. 156

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-587)**.

Signed:

Senators:

HILL of York
CAIN of Penobscot

Representatives:

ROTUNDO of Lewiston
CAREY of Lewiston
FREY of Bangor
JORGENSEN of Portland
ROCHELO of Biddeford
SANBORN of Gorham

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

Signed:

Senator:

FLOOD of Kennebec

Representatives:

CHASE of Wells
CLARK of Easton
KESCHL of Belgrade
WINSOR of Norway

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-587)**.

Reports **READ**.

Senator **CAIN** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Repeal the Bonding Authority of the Maine Governmental Facilities Authority"
H.P. 541 L.D. 790

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

Signed:

Senators:

HILL of York
CAIN of Penobscot
FLOOD of Kennebec

Representatives:

ROTUNDO of Lewiston
CAREY of Lewiston
FREY of Bangor
JORGENSEN of Portland
ROCHELO of Biddeford
SANBORN of Gorham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-588)**.

Signed:

Representatives:

CHASE of Wells
CLARK of Easton
KESCHL of Belgrade
WINSOR of Norway

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

Reports **READ**.

Senator **CAIN** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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 Cain.

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, just a note about L.D. 790. L.D. 790 proposes to remove the authority of the Maine Governmental Facilities Authority to issue bonds or negotiable securities. The Majority Report is Ought Not to Pass and I just want to explain why. The Majority Report focuses on the impact, the essential and important impact, that the Maine Governmental Facilities Authority has had on our state's infrastructure. The Maine Governmental Facilities Authority was originally created in 1987 as the Maine Court Facilities Authority for the purpose of financing courthouse construction and renovations. Since that time projects have moved forward in Augusta, Portland, Bangor, Biddeford, Dover-Foxcroft, Houlton, Lewiston, Machias, Presque Isle, Rockland,

Skowhegan, Springvale, Bath, and York with important planning underway in Washington County, Piscataquis County, Penobscot County, and Kennebec County. The Authority, in 1998, was expanded to include construction and renovation projects for all three branches of government and, thankfully, we've been able to comply with the Americans With Disabilities Act upgrades because of the Maine Governmental Facilities Authority through the State Capital building renovation, the Department of Corrections in Warren and South Windham and Bangor, and the psychiatric treatment center right here in Augusta, AMHI, for DOT, for the Baxter School, and for Capital construction repairs and improvements all across the great state. This is an important tool for protecting and maintaining and growing the safety and public access to our government and to our public infrastructure. I ask that you support the Majority Ought Not to Pass Report. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cain to Accept the Majority Ought Not to Pass Report, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#391)

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

NAYS: Senators: BURNS, HAMPER, MASON, THIBODEAU, THOMAS

30 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **CAIN** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Off Record Remarks

Senate

Ought to Pass As Amended

Senator HILL for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Increase the Base for the Cost-of-living Increase for Retired State Employees and Teachers"

S.P. 68 L.D. 232

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-375).**

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

READ ONCE.

Committee Amendment "A" (S-375) **READ** and **ADOPTED**.
Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

Senator GRATWICK for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Relating to Orally Administered Cancer Therapy"

S.P. 217 L.D. 627

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-379).**

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

READ ONCE.

Committee Amendment "B" (S-379) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator TUTTLE for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Permit the Sharing of Revenue from the Sale of Alcoholic Beverages at Sporting Events"

S.P. 679 L.D. 1713

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-377).**

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

READ ONCE.

Committee Amendment "A" (S-377) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Health Insurance Coverage for Hearing Aids for Adults"

S.P. 213 L.D. 523

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-378).**

Signed:

Senators:

GRATWICK of Penobscot
WHITTEMORE of Somerset
WOODBURY of Cumberland

Representatives:

TREAT of Hallowell
BEAUDOIN of Biddeford
BECK of Waterville
COOPER of Yarmouth
DOAK of Columbia Falls
McCLELLAN of Raymond
MORRISON of South Portland
PRINGLE of Windham
WALLACE of Dexter

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

Signed:

Representative:

FITZPATRICK of Houlton

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-378) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Maine Insurance Code To Ensure Fair and Reasonable Coverage and Reimbursement of Chiropractic Services"

S.P. 430 L.D. 1236

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

Signed:

Senators:

GRATWICK of Penobscot
WHITTEMORE of Somerset
WOODBURY of Cumberland

Representatives:

TREAT of Hallowell
BEAUDOIN of Biddeford
COOPER of Yarmouth
DOAK of Columbia Falls
FITZPATRICK of Houlton
McCLELLAN of Raymond
MORRISON of South Portland
PRINGLE of Windham
WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-376)**.

Signed:

Representative:

BECK of Waterville

Reports **READ**.

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

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (1/28/14) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow County Jails To Apply Savings to Debt Service without a Reduction in State Payments"

S.P. 192 L.D. 502

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-374)** (4 members)

Tabled - January 28, 2014, by Senator **GERZOFKY** of Cumberland

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

(In Senate, January 28, 2014, Reports **READ**.)

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

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this really is a very uncomplicated bill. It allows county jails to use savings they are able to find in their budget to pay down debt. Debt service for counties that still owed on their jails when jails were consolidated, when we all voted to take over the county jails more or less, has created a real inequity for property tax payers in these counties. Some of the poorest counties in Maine are paying ten times the mill rate for property taxes than other counties are paying. Ten times as much in poor counties than some of the other counties in Maine. If property tax relief is more than just an election year rhetoric, we can prove it by fixing this problem. In the case of Somerset County, I've given up counting how many times we've been promised that this would be taken care of only to see the property tax payers saddled with \$2 million of debt service year after year. Somerset, often times, is even poorer than Washington County and it's always in the bottom three. Yet we pay property taxes, to support jails, that are much higher than some of the rest of the counties. If the county manages their jails in a way that saves money the payments from the State just get reduced. We need to encourage people to reduce government costs and not force them to spend every dime. We can cure this unfair treatment of property tax payers by passing this bill. I urge you to vote against the pending motion. Thank you.

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

Senator **GERZOFKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, when we did jail consolidation, I believe it was back in 2007, the one thing that we did, if nothing else, is we cut and saved property tax owners from seeing any increase in their county jails by putting a cap on what the county jails could tax their tax payers. It proved very valuable. The one thing that I can honestly say with a smile on my face, whether it's a campaign year or not, we, this Body, saved the tax payers future costs in over \$100 million that we were going to be forced to pay in construction of new jails. Jail consolidation took into consideration our new flagship jails and our older jails. Some were going to be downsized and others going to be used in a one jail system. We had a prison system and we had 16 county systems. We consolidated those all into one so that we were better served at how we used our bed space and our facilities. It saved the tax payers of the state of Maine a lot of money and we're very proud of that. If a county went out and voted in an open election to build a nice new county jail, that was the vote of the people of that county to take that debt service, with a vote of the people of that county, and to consolidate jails and the prison system was a vote of the House and Senate in the State of Maine, in our Legislature. We did it to better utilize the space that we had, to better utilize the beds that we had, to get people off the floors, that were sleeping on the floors in an overcrowded

system, and, most importantly, to save tax payers money, not only in future costs but actual costs. To say that we increased the taxes of any county because of our action, wrong. It's been shown in numerous forms in this Legislature, on the second floor and the third floor, that we saved the tax payers money. I'm very proud of that. I think this Body should be very proud of that. It's the one thing that we did with the other Chamber and this Chamber with overwhelming votes because of the benefit we saw to the tax payers of the state of Maine. Thank you very much.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, just to correct the record. I was on Criminal Justice when this bill went through. Governor Baldacci was Governor then. They were going to save \$1 billion over ten years. I've seen nothing but cost overruns. I had a Minority Report to use some of the money from the tobacco fund, of course that died, to help run these jails. The Somerset County Jail, which we're talking about, they built that jail with the idea of holding federal prisoners. As this went forth, that didn't exactly work out. I'd just like to correct the record. There were some folks, and I happened to be only one, that voted against this consolidation at the time. You know there were numerous problems with it. You've got a board that oversees some on the State level. I'm not sure if they still got their act together. Thank you.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I'd like to mention just three items. The first has to do with L.D. 1. That's the funding formula that was put in place in order to determine whether governmental entities were meeting their goals. Since the consolidation of jails counties have consistently met their L.D. 1 goals. Counties have been an outlier in that, frankly. There are many other governmental agencies that have not met their L.D. 1 goals. In the report on the L.D. 1 goals it specifically says the reason that the counties have met that is because of jail consolidation. The second point I'd like to mention is, as my colleague, my former Chair, and also when I sat on the committee when we went through this jail consolidation piece, certainly debt service came up because the original plan that was presented by the Governor at that point was to take over the jails and the State would have owned the facilities. The counties did not like that. They wanted to continue to own their facilities. If you own that asset, paying debt on it makes sense as opposed to asking all of the other counties to pay debt on an asset that you do not own. The debt service was left with the county that owns the building because, whatever happens to jail consolidation, the counties will still own that building. There is a logical nexus there. The third thing is the federal prisoner issue. There were counties at that time who not only were housing federal prisoners but were housing each other's prisoners at rates that were in excess of what their cost was. What we found out was that there is a way to manage that population within the number of jails that we have without building what were on the books at that point, additional new jails, and costing counties more money. The federal prisoners were a part of the income stream, but the fact that that income stream has dried up has

nothing to do with what's been done in these counties. That would have happened if jail consolidation had not happened. Those counties who had planned on federal prisoner revenue would be in the exact same spot that they are in right now. The federal prisoners have moved off for other reasons than anything that has happened here in the state of Maine. I believe that we are on the right track here in turning this bill down and looking at the comprehensive plan and report that's underway. Thank you, Mr. President.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I don't disagree with my colleagues on the other side of the aisle. Jail consolidation has saved the State money and the cost to run those counties hasn't risen. The problem is that some of these counties were frozen in place at ridiculously high rates because of that debt. We were promised when jails were consolidated that we would address that problem. Yet it never has been addressed. We're still paying a mill rate that is ten times as high in some of the poorer counties as in some of the more prosperous counties. Yes, it saved the State money, but at the expense of poor property tax payers in some of our outlying counties. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Gerzofsky to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#392)

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

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

ABSENT: Senator: CLEVELAND

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

JOINT ORDER - recognizing North Yarmouth Academy 200th Anniversary.

SLS 741

Tabled: February 4, 2014, by Senator **HASKELL** of Cumberland

Pending - motion by Senator **WOODBURY** of Cumberland to **PASS**

(In Senate, February 4, 2014, **READ**.)

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

Senator **WOODBURY:** Thank you Mr. President. Members of the Senate, I rise today to commemorate the bi-centennial of North Yarmouth Academy. The Academy was established 200 years ago today, on February 4, 1814. In 1814 Maine was still six years away from becoming a state, James Madison was President, and the United States was engaged in its second war with Great Britain. Most residents of the area earned their living through farming, fishing, or ship building and public schooling stopped after grammar school. At the time, clergy members, businessmen, and militia leaders petitioned the state of Massachusetts for a charter to open a co-ed school in North Yarmouth. The petitioners wanted to improve access to education and prepare students for higher learning. Over the years NYA's alumni have continued on to great successes, including Civil War Generals, a Congressman, Governor, U.S. Councilor Generals, and an advisor to Abraham Lincoln. North Yarmouth Academy has come a long way since it began in a 40 foot by 28 foot schoolhouse in 1814. Today the school has 264 students from pre-kindergarten to 12th grade on a 25 acre campus. The school teaches its students to value community and encourages lifelong learning. North Yarmouth Academy is a foundation in our community and I congratulate it on reaching its bi-centennial. Thank you, Mr. President.

On motion by Senator **WOODBURY** of Cumberland, **PASSED**.

Sent down for concurrence.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Authorize a General Fund Bond Issue To Support the Growth of and To Build Infrastructure for the Marine and Biotechnology Sectors of the State's Economy"

H.P. 1260 L.D. 1756

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **HILL** of York, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Amend the Laws Governing the Location of Motor Vehicle Excise Tax Collection for Motor Vehicles Owned by Public Utilities"

H.P. 1259 L.D. 1754

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **HASKELL** of Cumberland, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, To Establish the Blue Ribbon Commission on Independent Living and Disability (EMERGENCY)

H.P. 1261 L.D. 1757

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **CRAVEN** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Clarify the Use of the Term 'Civil Violation' in the Motor Vehicle Statutes"

H.P. 1262 L.D. 1758

Be **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

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

LEGISLATIVE RECORD - SENATE, TUESDAY, FEBRUARY 4, 2014

REFERRED to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

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

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

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

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

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

On motion by Senator **JACKSON** of Aroostook,
RECESSED until 630 in the evening.

After Recess

Senate called to order by the President.

The President appointed the Senator from Cumberland, Senator **GERZOFSKY**, to serve as President Pro Tem for this evening's reconvening.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by
the President Pro Tem **STAN J. GERZOFSKY**
of Cumberland County.

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

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

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** to Thursday, February 6, 2014, at 10:00 in the morning.