

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
March 4, 2014

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

Prayer by Rabbi Jared Saks, Congregation Bet Ha'am in South Portland.

RABBI SAKS: On this morning, as we prepare to begin the work of our state, we call to mind the notion that we are bigger than our individual selves, that our lives are intertwined with one another. Jewish tradition teaches us that the story of our creation, as told in the beginning of Genesis, whether we take it literally or not, describes the formation of humanity from a single couple to remind us that no person can claim that his lineage is greater than anyone else's. The text of Torah tells us that each and every human being is created in the Devine image. Every encounter with one another is an opportunity for an encounter with Holy One of Blessing. How we treat each other is a measure of our relationship with that power, which goes by many names, who is greater than ourselves. So we pray these words of Rabbi Rick Sherwin:

The world may smile at our dreams. No matter, we still believe. We believe in tomorrow. We believe that we have the power to make tomorrow different from today. We believe that poverty need not be permanent, that alienation need not be forever, that people need not perpetually be at war. We believe in humanity, despite all that we know about ourselves. We believe that there can yet be a time of justice and a time of virtue, a time of fellowship, a time of sharing, and a time of tranquility for all who live on earth. We believe in tomorrow, for God has guided us in how to live today.

Let us say, Amen.

Pledge of Allegiance led by Senator Edward J. Mazurek of Knox County.

Reading of the Journal of Thursday, February 27, 2014.

Doctor of the day, Lindsey Kerr, MD of Bangor.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **JACKSON** of Aroostook, the following Senate Order:
S.O. 27

Ordered, that a message be sent to the House of Representatives proposing a Joint Convention of the two Branches of the Legislature to be held in the Hall of the House at 10:45 in the morning for the purpose of extending an invitation to Brigadier General James D. Campbell, Adjutant General of Maine, to attend the Convention and make such communications 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 Sergeant-At-Arms escorted the Senator to the House of Representatives.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Create a State-run Virtual Academy Providing Maine Students with Access to Online Learning through Their Existing School Districts (EMERGENCY)

S.P. 689 L.D. 1736
(C "A" S-392)

In Senate, February 25, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-392).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-392) AS AMENDED BY HOUSE AMENDMENT "A" (H-631)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **HASKELL** of Cumberland, the Senate **RECEDED and CONCURRED.**

Senate at Ease.

Senate called to order by the President.

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

ORDERS

Joint Resolution

On motion by Senator **VALENTINO** of York (Cosponsored by Representative **PRIEST** of Brunswick and Senators: **BURNS** of Washington, **TUTTLE** of York, Representatives: **BEAULIEU** of Auburn, **CROCKETT** of Bethel, **DeCHANT** of Bath, **GUERIN** of Glenburn, **MITCHELL** of the Penobscot Nation, **MONAGHAN-DERRIG** of Cape Elizabeth, **MOONEN** of Portland, **MORIARTY** of Cumberland, **PEAVEY HASKELL** of Milford, **VILLA** of Harrison), the following Joint Resolution:

S.P. 722

**JOINT RESOLUTION
RECOGNIZING THE JUSTICE ACTION GROUP'S
ACCESS TO JUSTICE DAY**

WHEREAS, the Justice Action Group is a coalition established in 1995 to provide leadership and coordination in planning for the provision of civil legal aid to low-income and elderly Mainers; and

WHEREAS, equal access to justice is a bedrock principle of a free, constitutional society and no system of laws and constitutional protections can be credible or effective if only those who can afford a private lawyer may avail themselves of it; and

WHEREAS, providing equal access to justice has tangible, widespread benefits for Maine's families, children, schools, communities, businesses, charities and government, and the availability of legal aid has been shown to be effective in reducing the incidence of domestic violence by ensuring that victims receive court protection orders; and

WHEREAS, Maine's employers benefit when employees who receive legal assistance miss less work and are less distracted by unresolved legal issues; and

WHEREAS, legal issues profoundly affect basic human needs such as shelter, sustenance, safety from violence, health and child protection; and

WHEREAS, in the current economic downturn, the need for legal aid and pro bono representation in Maine remains acute; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause to acknowledge and express our appreciation and strong support for Maine's legal aid provider organizations and Maine's private practice attorneys who provide pro bono service for those otherwise unable to afford legal representation on the Justice Action Group's 2014 Access to Justice Day; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Justice Action Group.

READ.

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

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, we are here today to recognize the Justice

Action Group's Access to Justice Day. The Justice Action Group is a coalition established in 1995 to provide civil legal aid to low income and elderly Mainers. In the current economic downturn, the need for legal aid and pro bono representation in Maine remains acute. I would like to acknowledge and express our appreciation and strong support for Maine's legal aid provider organizations and Maine's private practice attorneys who provide pro bono service for those otherwise unable to afford legal representation and on the Justice Action Group's 2014 Access to Justice Day I wish to congratulate them. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I just wanted to add my voice to this. I certainly thank the Justice Action Group for being here today and hope that everyone will take advantage of the opportunity to visit them downstairs on the second floor. I also wanted to welcome Justice Mead and Justice Levy, who are here with us today. As I mentioned in caucus, 20 years ago you probably wouldn't even see judges in the State House. Their place was up on the bench, apart from the rest of society. They were there just to judge cases. I think that's changed over the years and much for the better. The fact is that the judges are here today and that they are making themselves available to speak with each of us. In general, judges are making themselves more available, exhibit A being the Law Court holding sessions in many of our high schools and other schools around the state on the theory that the more we understand how our court system works the more confidence we'll have in that system. I'd also like to just give a shout out to my profession, who practice law in the state of Maine. You just heard a little bit about pro bono work that attorneys do. I'm proud to say that Maine attorneys either lead the nation, or are very close to it, in the number of average pro bono hours that they devote to doing work for those who can't afford it. With the combination of these many fine organizations and the good work that pro bono attorneys are doing, we're at least making a dent in the fact that many people just cannot afford access to justice. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you Mr. President. I, too, wish to just speak with pleasure about this and would note that every day in this Body we reaffirm our commitment to this and words at the end of the pledge, "Liberty and justice for all" have great meaning. I think we come back to that justice for all. I'm delighted they are here helping us. Thank you, Mr. President.

On motion by Senator **VALENTINO** of York, the Joint Resolution was **ADOPTED.**

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Associate Justice Jon Levy from Portland, Associate Justice Andrew Mead from Bangor, and Mary Ann Lynch. Would they all please rise and accept the warm greetings of the Maine State Senate.

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 10:45 in the morning for the purpose of extending an invitation to Brigadier General James D. Campbell, Adjutant General of Maine, to attend the Convention and make such communications as pleases him.

Off Record Remarks

The Chair noted the absence of the Senator from Cumberland, Senator **PLUMMER** and further excused the same Senator from today's Roll Call votes.

COMMUNICATIONS

The Following Communication: S.C. 779

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

February 26, 2014

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Criminal Justice and Public Safety has had under consideration the nomination of Bruce F. Fitzgerald of South China, for appointment as the Maine Emergency Management Agency Director.

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

| | | | |
|------|----------|---|---|
| YEAS | Senators | 3 | Gerzofsky of Cumberland, Dutremble of York, Plummer of Cumberland |
|------|----------|---|---|

| | | |
|-----------------|---|---|
| Representatives | 8 | Dion of Portland, Casavant of Biddeford, Kaenrath of South Portland, Lajoie of Lewiston, Long of Sherman, Pease of Morrill, Tyler of Windham, Wilson of Augusta |
|-----------------|---|---|

NAYS 0

| | | |
|--------|---|--|
| ABSENT | 2 | Rep. Marks of Pittston, Rep. Plante of Berwick |
|--------|---|--|

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Bruce F. Fitzgerald of South China, for appointment as the Maine Emergency Management Agency Director be confirmed.

Signed,

S/Stanley J. Gerzofsky
Senate Chair

S/Mark N. Dion
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#433)

YEAS: Senators: None

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

EXCUSED: Senator: PLUMMER

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Bruce F. Fitzgerald** of South China for appointment as the Maine Emergency Management Agency Director was **CONFIRMED**.

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

The Following Communication: S.C. 781

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

February 26, 2014

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Environment and Natural Resources has had under consideration the nomination of Thomas E. Eastler of Farmington, for reappointment to the Board of Environmental Protection.

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

| | | | |
|--------|-----------------|---|---|
| YEAS | Senators | 3 | Boyle of Cumberland, Gratwick of Penobscot, Saviello of Franklin |
| | Representatives | 6 | Welsh of Rockport, Ayotte of Caswell, Campbell of Orrington, Grant of Gardiner, Long of Sherman, Reed of Carmel |
| NAYS | Senators | 0 | |
| | Representatives | 4 | Chipman of Portland, Cooper of Yarmouth, Harlow of Portland, McGowan of York |
| ABSENT | | 0 | |

Nine members of the Committee having voted in the affirmative and four in the negative, it was the vote of the Committee that the nomination of Thomas E. Eastler of Farmington, for reappointment to the Board of Environmental Protection be confirmed.

Signed,

S/James A. Boyle
Senate Chair

S/Joan W. Welsh
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#434)

YEAS: Senators: None

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

EXCUSED: Senator: PLUMMER

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Thomas E. Eastler** of Farmington for reappointment to the Board of Environmental Protection was **CONFIRMED**.

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

The Following Communication: S.C. 782

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

February 26, 2014

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

Dear Mr. President:

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 4, 2014

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Environment and Natural Resources has had under consideration the nomination of Thomas W. Dobbins of Scarborough, for appointment to the Board of Environmental Protection.

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

| | | | |
|--------|-----------------|---|---|
| YEAS | Senators | 2 | Boyle of Cumberland, Saviello of Franklin |
| | Representatives | 9 | Welsh of Rockport, Ayotte of Caswell, Campbell of Orrington, Chipman of Portland, Cooper of Yarmouth, Grant of Gardiner, Harlow of Portland, McGowan of York, Reed of Carmel |
| NAYS | | 0 | |
| ABSENT | | 2 | Sen. Gratwick of Penobscot, Rep. Long of Sherman |

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Thomas W. Dobbins of Scarborough, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/James A. Boyle
Senate Chair

S/Joan W. Welsh
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#435)

YEAS: Senators: None

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

EXCUSED: Senator: PLUMMER

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Thomas W. Dobbins** of Scarborough for appointment to the Board of Environmental Protection was **CONFIRMED**.

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

The Following Communication: S.C. 780

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

February 26, 2014

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Environment and Natural Resources has had under consideration the nomination of Peter M. SeeHusen of Corinna, for appointment to the Outdoor Heritage Fund Board.

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

| | | | |
|------|----------|---|--|
| YEAS | Senators | 2 | Boyle of Cumberland, Saviello of Franklin |
|------|----------|---|--|

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 4, 2014

Representatives 9 Welsh of Rockport, Ayotte of Caswell, Campbell of Orrington, Chipman of Portland, Cooper of Yarmouth, Grant of Gardiner, Harlow of Portland, McGowan of York, Reed of Carmel

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

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

NAYS 0

After Convention

ABSENT 2 Sen. Gratwick of Penobscot, Rep. Long of Sherman

In Senate Chamber

Senate called to order by the President

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Peter M. SeeHusen of Corinna, for appointment to the Outdoor Heritage Fund Board be confirmed.

The Following Communication: S.C. 783

Signed,

S/James A. Boyle
Senate Chair

S/Joan W. Welsh
House Chair

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON JUDICIARY**

February 27, 2014

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

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** be overridden?"

Dear Mr. President:

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

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Rick E. Lawrence of Portland, for reappointment as a District Court Judge.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#436)

YEAS: Senators: None

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

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

| | | | |
|------|-----------------|---|--|
| YEAS | Senators | 3 | Valentino of York, Burns of Washington, Tuttle of York |
| | Representatives | 9 | Priest of Brunswick, Beaulieu of Auburn, Crockett of Bethel, DeChant of Bath, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moonen of Portland, Moriarty of Cumberland, Villa of Harrison |

EXCUSED: Senator: PLUMMER

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Peter M. SeeHusen** of Corinna for appointment to the Outdoor Heritage Fund Board was **CONFIRMED**.

NAYS 0

ABSENT 1 Rep. Peavey Haskell of Milford

Rep. Mitchell of Penobscot Nation was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Rick E. Lawrence of Portland, for reappointment as a District Court Judge be confirmed.

Signed,

S/Linda M. Valentino
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#437)

YEAS: Senators: None

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

ABSENT: Senator: CUSHING

EXCUSED: Senator: PLUMMER

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Rick E. Lawrence** of Portland for reappointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 784

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON JUDICIARY**

February 27, 2014

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Charles A. Dow of Winthrop, for reappointment as a District Court Judge.

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

| | | | |
|--------|-----------------|---|--|
| YEAS | Senators | 3 | Valentino of York, Burns of Washington, Tuttle of York |
| | Representatives | 9 | Priest of Brunswick, Beaulieu of Auburn, Crockett of Bethel, DeChant of Bath, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moonen of Portland, Moriarty of Cumberland, Villa of Harrison |
| NAYS | | 0 | |
| ABSENT | | 1 | Rep. Peavey Haskell of Milford |

Rep. Mitchell of Penobscot Nation was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Charles A. Dow of Winthrop, for reappointment as a District Court Judge be confirmed.

Signed,

S/Linda M. Valentino
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#438)

YEAS: Senators: None

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

ABSENT: Senator: CUSHING

EXCUSED: Senator: PLUMMER

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Charles A. Dow** of Winthrop for reappointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 785

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON JUDICIARY**

February 27, 2014

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Michael P. Cantara of Biddeford, for reappointment as a District Court Judge.

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

| | | | |
|--------|-----------------|---|--|
| YEAS | Senators | 3 | Valentino of York, Burns of Washington, Tuttle of York |
| | Representatives | 9 | Priest of Brunswick, Beaulieu of Auburn, Crockett of Bethel, DeChant of Bath, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moonen of Portland, Moriarty of Cumberland, Villa of Harrison |
| NAYS | | 0 | |
| ABSENT | | 1 | Rep. Peavey Haskell of Milford |

Rep. Mitchell of Penobscot Nation was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Michael P. Cantara of Biddeford, for reappointment as a District Court Judge be confirmed.

Signed,

S/Linda M. Valentino
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#439)

YEAS: Senators: None

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

ABSENT: Senator: CUSHING

EXCUSED: Senator: PLUMMER

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Michael P. Cantara** of Biddeford for reappointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 786

**DEPARTMENT OF DEFENSE, VETERANS
AND EMERGENCY MANAGEMENT
OFFICE OF THE COMMISSIONER
AND THE ADJUTANT GENERAL**

February 7, 2014

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

Dear Senator Alford:

As the Commissioner of the Maine Department of Defense, Veterans and Emergency Management and The Adjutant General of the Maine National Guard, I accept your invitation to address the Joint Session of the 126th Maine Legislature on Tuesday, March 4, 2014 at 11:00 a.m.

Sincerely,

S/Brigadier General James D. Campbell
Commissioner and the Adjutant General

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 787

**STATE OF MAINE
OFFICE OF THE STATE AUDITOR**

LETTER OF TRANSMITTAL

Honorable Justin L. Alford
President of the Senate

Honorable Mark W. Eves
Speaker of the House

Honorable Paul R. LePage
Governor of the State of Maine

Honorable H. Sawin Millet, Jr.
Commissioner
Department of Administrative and Financial Services

We are pleased to submit our Report on Internal Control over Financial Reporting and on Compliance and Other Matters for the Year Ending June 30, 2013. In the course of our audit of the basic financial statements of the State of Maine, and our consideration of internal control, we identified a deficiency in internal control that we consider to be a significant deficiency according to Statement on Auditing Standard No. 115 (SAS 115) issued in October 2008 by the American Institute of Certified Public Accountants Auditing Standards Board effective for financial statement audits for periods ending on or after December 15, 2009. SAS 115 applies whenever an auditor expresses an opinion on financial statements. It establishes standards on communicating matters related to internal control over financial reporting and requires written communication of control deficiencies identified in an audit of financial statements within sixty days. Our opinion on the basic financial statements of the State of Maine was issued on December 23, 2013.

Please feel free to contact me with any questions that you may have. Like you, we are committed to improving our State Government for the benefit of our citizens. I welcome your thoughts and inquiries on these matters.

Respectfully submitted,

S/Pola A. Buckley, CPA, CISA
State Auditor
February 21, 2014

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Allocate a Portion of the Reed Act Distribution of 2002 To Use for the Administration of the Unemployment Insurance and Employment Services Programs" (EMERGENCY)
S.P. 719 L.D. 1802

Presented by Senator PATRICK of Oxford. (GOVERNOR'S BILL)
Cosponsored by Representative HERBIG of Belfast and Senator: CUSHING of Penobscot, Representative: VOLK of Scarborough.

On motion by Senator **PATRICK** of Oxford, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

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

ORDERS

Joint Order

On motion by Senator **JACKSON** of Aroostook, under unanimous consent on behalf of President **ALFOND** of Cumberland, the following Joint Order:

S.P. 721

ORDERED, the House concurring, that the Joint Standing Committee on Education and Cultural Affairs shall report out, to the Senate, a bill to amend the laws regarding higher education.

READ and PASSED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Gambling and Criminal History Record Checks"

H.P. 1204 L.D. 1681

Reported that the same be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

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

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS**, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Preserve Head Start and Child Care Services"

H.P. 1205 L.D. 1682

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-624)**.

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
McELWEE of Caribou
PETERSON of Rumford
STUCKEY of Portland

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
SANDERSON of Chelsea
SIROCKI of Scarborough

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624)**.

Reports **READ**.

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

On further motion by same Senator, 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 Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, this bill establishes a new formula for non-tribal Head Starts. Tribes are reimbursed in a different formula. This provides an additional \$2 million in funding for state fiscal year 2014-2015. The funding is to be used for services for pregnant women and children to age 5. The funding will enable the state to draw down an additional \$3 million for childcare development block grant funding. All of the funding will be used to provide Head Start vouchers for childcare services. Both Head Start and access to quality childcare for working parents are critical to helping families with low incomes improve their lives. At a time when every four out of five kids are growing up in poverty, we have to find a solution. Since 2012 funding for Head Start and childcare services has been reduced in the following ways; the Maine General Fund Head Start funding was cut by \$2 million a year, federal Head Start funding was cut by \$1.6 million due to sequestration, and the state childcare development funds match from the Fund for a Healthy Maine was cut by \$1.9 million a year.

This is a net loss of \$5 million a year for Maine's programs. The market rate paid to providers for childcare vouchers under the CCDF, which is the Childcare Development Fund, was dropped from the 75th percentile to the 50th percentile. The quality childcare incentive paid to tier four programs was reduced from 25% to 10%. We know for sure that early childhood education is an investment we cannot neglect. The payback is undeniable. I thank you and please vote today in support of early Head Start and early childhood education. Thank you, Mr. President.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll remind you at this time that the federal government does supply Maine's Head Start Program with \$32 million and that Congress passed the Consolidated Appropriations Act of 2014, of which they're increasing funding to Head Start nationwide at 1.025. That would be \$1,025 million extra towards Head Start this year. Is this the right use of scarce state resources? Thank you, Mr. President.

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

Senator **MILLETT:** Thank you Mr. President. Men and women of the Senate, I rise to ask for your support of L.D. 1682. Many of us do agree that Head Start plays a valuable role in our communities. We have heard from our law enforcement community, businesses, and the military about their strong support for comprehensive early childhood programs. Research shows that it has a positive lasting impact on our children and their families. It is a resource available to all children from families with incomes at or below the federal poverty line. It provides services for more than 3,000 vulnerable children. There are many methods by which Head Start can be measured a success, including improvements in a child's readiness for school, later academic success, and health. It's a vital program that needs our support. While general funding for Head Start in fiscal year 2014 is strong, without further action funding for Head Start in fiscal year 2015 will drop from \$1.3 million to \$440,000. For me, this should not happen. L.D. 1682 is a continuation of previous legislative efforts to strengthen Head Start and other educational opportunities in Maine. It would provide \$2 million for Head Start services to children in poverty and their parents, establish a funding formula for distribution of those funds, and draw down \$3 million in federal childcare development fund monies to provide childcare vouchers to low income families. While budgets are tight and tough choices must be made, we cannot stop investing in our children. Head Start is too important of a resource. Our kids, our future, are too important. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven to Accept the Majority Ought to Pass as Amended 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 (#440)

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

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

EXCUSED: Senator: PLUMMER

27 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-624) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Enable the Bureau of Labor Standards To Access Federal Reimbursement by Amending State Law To Conform to Federal Law"

S.P. 634 L.D. 1643

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-404)**.

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

READ ONCE.

Committee Amendment "A" (S-404) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Expedite Training Waiver Decisions for Unemployment Claimants by Transferring Original Jurisdiction from the Unemployment Insurance Commission to the Bureau of Unemployment Compensation"

S.P. 663 L.D. 1668

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-407)**.
Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-407) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator HASKELL for the Committee on **TAXATION** on Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
S.P. 672 L.D. 1706

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-406)**.

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

READ ONCE.

Committee Amendment "A" (S-406) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Prohibit Possession of a Replica or Simulated Firearm on or near School Property"

S.P. 686 L.D. 1728

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

Signed:

Senators:

JOHNSON of Lincoln
LANGLEY of Hancock

Representatives:

DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
JOHNSON of Greenville
KORNFELD of Bangor
MAKER of Calais
McCLELLAN of Raymond
NELSON of Falmouth
POULIOT of Augusta
RANKIN of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-402)**.

Signed:

Senator:

MILLETT of Cumberland

Representative:

MacDONALD of Boothbay

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended** Report.)

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Allow Municipalities To Stabilize Sand Dunes Affected by Actions of the Federal Government"

S.P. 635 L.D. 1644

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-405)**.

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

WELSH of Rockport
AYOTTE of Caswell
CAMPBELL of Orrington
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
McGOWAN of York
REED of Carmel

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

Signed:

Representative:

LONG of Sherman

Reports **READ**.

Senator **BOYLE** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Extend the Date for a Business in a Tier 2 Location To Qualify for Pine Tree Development Zone Benefits"

S.P. 624 L.D. 1633

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

Signed:

Senators:

PATRICK of Oxford
CLEVELAND of Androscoggin

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-403)**.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden
LOCKMAN of Amherst
VOLK of Scarborough
WINCHENBACH of Waldoboro

Reports **READ**.

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

Sent down for concurrence.

Divided Report

Six Members of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Implement the National Popular Vote for President"

S.P. 201 L.D. 511

Reported in Report **"A"** that the same **Ought Not to Pass**

Signed:

Senators:

TUTTLE of York
MASON of Androscoggin

Representatives:

BEAULIEU of Auburn
GIFFORD of Lincoln
KINNEY of Limington
SAUCIER of Presque Isle

Six Members of the same Committee on the same subject reported in Report **"B"** that the same **Ought to Pass**.

Signed:

Senator:

PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
FOWLE of Vassalboro
LONGSTAFF of Waterville
RUSSELL of Portland
SCHNECK of Bangor

(Representative MITCHELL of the Penobscot Nation - of the House - supports Report **"A"**, **OUGHT NOT TO PASS**.)

Reports **READ**.

On motion by Senator **TUTTLE** of York, Bill and accompanying papers **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Sent down for concurrence.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

Senate As Amended

Bill "An Act To Amend the Composition and Duties of the Maine Children's Growth Council"

S.P. 531 L.D. 1449
(C "A" S-401)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

ENACTORS

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

Resolve

Resolve, Directing the Department of Health and Human Services To Review the Use of Restraint and Seclusion at Mental Health Institutes

H.P. 726 L.D. 1031
(C "A" H-610)

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (2/25/14) matter:

HOUSE REPORT - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Stop Unlicensed Loan Transactions"

H.P. 1214 L.D. 1691

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-615)**

Tabled - February 25, 2014, by Senator **GRATWICK** of Penobscot

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

(In House, February 20, 2014, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615).**)

(In Senate, February 25, 2014, Report **READ.**)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-615) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **GRATWICK** of Penobscot, Senate Amendment "A" (S-408) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615) AND SENATE AMENDMENT "A" (S-408), in NON-CONCURRENCE

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (2/25/14) matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Make Maine Mills More Competitive by Encouraging the Processing of Forest Products at Mills in the United States" S.P. 640 L.D. 1649

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-397)** (3 members)

Tabled - February 25, 2014, by Senator **HASKELL** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, February 25, 2014, Reports **READ.**)

Senator **HASKELL** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **HASKELL:** Thank you very much Mr. President. This matter came before our committee and I came to understand that we provide tax incentives, advantages, for a variety of reasons. Those reasons are to help support our businesses, to help engage our economy, and to help grow those businesses that are working so hard to make our communities vibrant. We have an opportunity with this bill to provide another tax incentive for those folks who are logging off their property if they will simply take those logs to a U.S. mill. This does not require them to do it. It is completely optional. They can do it if they want to. If they do that they will get an additional tax benefit. I think that's appropriate. I think that's the right way to do tax policy, when we incent activity that works for us and that works for our Maine companies. I urge you to follow my light on this bill. Thank you.

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

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, there is nothing more in this world I'd rather have than a brand new shiny green log truck. It needs to have a bright yellow log loader, brand new of course. I promise you that for a quarter of a million dollars I can get it done. The problem is that I can't afford it. This bill is almost as good an idea as my new log truck. The problem is that we can't afford it either. Let me explain. I own a little bit of woodland. If this bill becomes law, there is no reason in the world I would ever have to pay property taxes on it ever again because I would cut enough wood off it and that wood would go to an American mill, it would go to my firewood mill by the way. That wood would go to an American mill and that would mean that I'd pay no tax. No taxes at all. Can you imagine some of the wealthiest corporations in the United States that would send their wood to an American mill and never pay property taxes again. Where does that money come from? Who replaces that money? Do we ask working people in Maine to replace that money? If it's in the Unorganized it's going to come from the General Fund. It's going to come from the state budget. If it's in the organized towns it comes from our schools, our counties, our roads in those towns. We'll just have to go up on the rest of the property tax. If you think the revenue sharing cuts were bad and awful, wait until we pass this. We'll have even more fun. It might send a few logs to American mills, but I'd just wait until I had a whole bunch of logs that would go to Canada and I could get a better price and that one year I'd pay the property taxes. I'd cut the wood. I'd send them to Canada or wherever I wanted to send them and that would be the end of it. Next year I'd be right back to only cutting wood to go to Maine mills. It's a great idea. I'm going to vote against it, but I hope we pass it because if we do I'll never pay property taxes again. Thank you.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I actually support the pending motion, Ought to Pass as Amended. This whole idea of property taxes for putting money into U.S. mills I think has actually already been debated numerous times, way before any of us probably ever arrived here. It was through what we know now as the Tree Growth Program, which certainly part of the intent was to make sure that that land stayed in tree growth production so that the mills in this state would have a supply of fiber to go to those mills so that we could have manufacturing in the state, so we'd have good jobs in the state, and Maine would continue on with what it's been known for, being a high quality manufacturing state in the paper industry. That's what the intent of the original bill was. Like many things, even though the intent was there, sometimes people use it differently. They go around and try and make it into something that it hasn't been. In my opinion, this law now is property tax adjustments for people even though that fiber doesn't go to any Maine mills. We see it all the time. People are sending wood out of this country. Sometimes U.S. people don't cut it, don't truck it. It goes to a Canadian mill with no benefit at all to the people in this state, but we're supposed to actually pay the property tax on it. I don't believe that's how the law was originally intended, even though I've tried to, in my opinion, correct that. This bill was a complete 180 from past bills that I tried to introduce. It was an idea that when I took it into the Revisor's Office the Revisor actually said, without any prompting, "This sounds like Tree Growth on steroids." I said that it was probably exactly what it is because the whole idea of Tree Growth, and the way it is currently, would completely stay that way. It wouldn't be changed. If you want to send your wood to Canada, go head. We're still going to give you a property tax break, which I don't understand. It doesn't change. All this does is says that if you want to send your wood to a U.S. mill we won't charge you any property taxes. Currently, under the Tree Growth law, the very little amount of money that landowners are paying under Tree Growth now is so small that it doesn't even make sense. I'm sure Senator Thomas would like to get his green truck. He can do that right now under our current Tree Growth laws. You're going to get a tremendous benefit. I think you said before that you don't get it. You don't want the government telling you how to run your land. Well, this bill's not going to change that, but if you want your new green truck you can get that right now under current Tree Growth. All this does is a 10% that landowners are now paying for their tree growth they won't have to pay even that 10%. It would be 100% deducted instead of 90% deducted. The 10% would be the part that these landowners are saying, "Well, we're too far from U.S. mills. We can't get our wood to U.S. mills effectively." You'd better use that 10% to see if it made sense for you to actually transport the wood to a U.S. mill. If you don't want to, continue flooding the Canadian market I don't care. That's going to stay the way it always has been. You talk about mills that are having a hard time here in the state, we're going to have a bill that many of us in this room have actually sponsored for Millinocket. Cate Street Mill is down. Lincoln is half way what they used to be. New Page and Verso struggling. We have serious challenges in this state with our paper manufacturing mills. This is a small, small attempt to try and help them be able to compete with our Canadian counterparts who don't have energy costs like we do, don't have to pay health insurance like we do. I believe that, while this is small, it's something that we could actually do to try and help them. If you don't believe me, I believe there are actually representatives here from Cate Street

that could tell you that they would like to see this. Whenever they talk about what actually are their problems, the first thing they list is energy costs, which is a bill we obviously had come up. The second thing they list is fiber costs. This would be a way to at least get after the fiber costs. If you're in favor of Maine manufacturing and Maine people I certainly believe that you should be voting for this bill because there's no other way that you can cut this. This is going to help, to some extent, Maine manufacturing and Maine people in this bill. I encourage you to vote in support of it.

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 in opposition to the pending motion. I want to, in full disclosure, indicate that our family has had six generations that we've owned land that would probably benefit from this plan because we now, as I understand it, sell wood to mills in the state of Maine. I also operate yards where we acquire logs from the saw mills. I have tried very diligently to provide quality wood to Maine people who provide Maine jobs. I do commend the good Senator for bringing this forward. I've discussed other proposals that have come forward at his urging regarding the forests products industries. I think this is a novel and positive approach to offer incentives. I commend him for that. This is the Minority Report of the committee for a reason. We have to make decisions here based upon what is effective and good for the citizens of Maine. The difficulty that many of these mills that were mentioned face is not in the acquisition of fiber. Maine has a tremendous wood basket. It's the compilation of other circumstances resulting from policies that do not assist the mill owners that have caused some of these challenges. The landowners, the people who own the property, have changed dramatically due to the environmental concerns. The essence of where you send that fiber still remains a logistical challenge when you're in the northwest portion of the state where the roads lead west to Canada rather than east and south. I think we need to recognize that. While I do commend the Senator for trying to, at this particular point in time, incentivize things for Maine landowners, I, like the good Senator from Somerset, cannot support something that does not benefit all of the citizens of Maine. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise today in support of the motion. I think it's a great attempt to try to make our own mills in Maine, and in America, more attractive. Too often we look at doing different things like having tax exemptions, tax breaks, Pine Tree Zones, ways to benefit our businesses, but, from the respect of where our farming, fishing, tourism, and wood industries are going, this, I think, is a good simple attempt at making a positive impact. One of the things with the wood industry is that we have to find different ways to entice finish products, which are value added. If we ship our raw products to other nations and they can ship them back, jobs aren't staying here in Maine. One of the most important things for me is to try to maintain the forest industry. I do work in the forest industry. I work in a paper mill. I do think the cost of fiber is important. I

think this is one way that we can possibly take a look at lowering that cost. I would ask that the members consider voting Ought to Pass. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Haskell to Accept the Minority Ought to Pass as Amended 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 (#441)

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

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

EXCUSED: Senator: PLUMMER

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HASKELL** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-397) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (2/26/14) matter:

HOUSE REPORT - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Expand the Number of Qualified Educators"

H.P. 34 L.D. 39

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-621)**

Tabled - February 26, 2014, by Senator **HASKELL** of Cumberland

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

(In House, February 26, 2014, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-621)**.)

(In Senate, February 26, 2014, Report **READ**.)

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 (#442)

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

NAYS: Senators: **MASON, THIBODEAU, THOMAS**

EXCUSED: Senator: **PLUMMER**

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being excused, the **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-621) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (2/27/14) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Maine Sex Offender Registry"

H.P. 1160 L.D. 1589

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-600)** (4 members)

Tabled - February 27, 2014, by Senator **GERZOFSKY** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, February 26, 2014, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-600) AS AMENDED BY HOUSE AMENDMENT "A" (H-619)** thereto.)

(In Senate, February 27, 2014, Reports **READ**.)

On motion by Senator **DUTREMBLE** of York, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-600) **READ**.

House Amendment "A" (H-691) to Committee Amendment "A" (H-600) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-600) as Amended by House Amendment "A" (H-691) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Expanding Access to Early Postsecondary Education" H.P. 1289 L.D. 1797

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

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Amend the Laws Governing Charitable Solicitations"

H.P. 1291 L.D. 1799

Comes from the House, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

**Pursuant to Statute
Administrator of the Unorganized Territory**

The **Administrator of the Unorganized Territory**, pursuant to the Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2014-15" (EMERGENCY)
H.P. 1294 L.D. 1803

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

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

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Public Law

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Update Statutory Dates for the State Government Evaluation Act Review of Agencies"
H.P. 1292 L.D. 1800

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, pursuant to Public Law, chapter 307, section 9.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

Bill and accompanying papers **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Pursuant to Resolve

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Implement the Recommendations of the Task Force Convened by the Maine Labor Relations Board Regarding Compensation for the Panel of Mediators"

H.P. 1290 L.D. 1798

Reported that the same be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, pursuant to Resolve, chapter 26, section 2.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

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

Bill and accompanying papers **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in concurrence.

Pursuant to Statute

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Eliminate Inactive Boards and Commissions"
H.P. 1293 L.D. 1801

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, pursuant to the Maine Revised Statutes, Title 5, section 12006, subsection 2.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

Bill and accompanying papers **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Senator **CAIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

Senator **VALENTINO** of York 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.

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 4, 2014

Senator **KATZ** of Kennebec 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 Wednesday, March 5, 2014, at 10:00 in the morning.