

MAINE STATE LEGISLATURE

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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
Thursday
March 27, 2014

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

Prayer by Doctor David Smith, First Congregational Church of
Wilton.

DOCTOR SMITH: O God, freedom is a precious and awesome
responsibility. You have offered it and too many have been
maimed or even died for it, but in this building the political leaders
of this state, who may not always agree, and freedom gives us
this right, but finally, O God, we pray that all will do their very best
for the state of Maine, not only for the present but for the future,
and agree, in deed, on that which is important. May Your grace,
which is also free, be with us all through the rest of this cool
weather and when it gets a little bit warmer, we pray. Amen.

Pledge of Allegiance led by Senator John L. Tuttle, Jr. of York
County.

Reading of the Journal of Wednesday, March 26, 2014.

Doctor of the day, Lisa Letourneau, MD, MPH of Portland.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Improve Maine's Economy and Energy Security
with Solar and Wind Energy"

H.P. 886 L.D. 1252
(C "A" H-650)

In Senate, March 20, 2014, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-650)**, in
concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-650) AS**

AMENDED BY HOUSE AMENDMENT "C" (H-744) thereto, in
NON-CONCURRENCE.

Senator **JACKSON** of Aroostook moved the Senate **RECEDE**
and **CONCUR.**

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
Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. Women and
men of the Senate, I just want to take a moment to talk about the
House Amendment, which the motion is to Recede and Concur
with. We discussed that amendment and I think it's a reasonable
and fair amendment. It allows the opportunity for low income
individuals who are LIHEAP qualified to be able to participate in
this program for high efficiency heat pumps. We know that one of
the biggest challenges for folks with low income is their heating
costs. These heating pumps have proven to be a great
alternative in the state of Maine. They're relatively inexpensive.
They work very well, very reliable. One of the things that we think
is fair to do is to use some of that income that is consistent with
the Efficiency Maine Trust for those folks with the lower incomes
and really need to reduce their energy bills and have a more
reliable and cost effective way to heat their homes. I think it's a
good idea. It's fair and reasonable. It raises no additional money.
It raises no additional rates on electric payers. It allows a class of
folks who really are in desperate need. I think you know some of
your own constituents, I know some of them who are trying to
heat their homes by 5 gallon buckets of kerosene or diesel fuel. I
even know some who heat their home by opening up the oven of
their electric range and try to heat their home with an electric
stove. Many folks are in desperate condition and I think this
would be a help to some of them. I hope that you can support the
motion.

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

Senator **THIBODEAU:** Thank you Mr. President. Ladies and
gentlemen of the Senate, I certainly want to just share a few facts
about this bill. The fact of the matter is Efficiency Maine's budget
currently is \$59 million that program has grown to. They already
have a program that allows for subsidies for heat pumps as part
of that \$59 million budget. They choose not to have a solar
rebate program. That is based on some analysis that they've
done as to the best return on investment for the programs that
they fund. This is just an additional \$1 million tax on energy that
your constituents will be facing in order to subsidize a new
program. Again, \$59 million currently and this would round it off
to a cool \$60 million if we were to move forward. Thank you.

THE PRESIDENT: The pending question before the Senate is
the motion by the Senator from Aroostook, Senator Jackson to
Recede and Concur. 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 (#497)

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

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

ABSENT: Senators: CUSHING, GERZOFKY

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **JACKSON** of Aroostook to **RECEDE** and **CONCUR**, **PREVAILED**.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Retain Call Centers in Maine"
S.P. 676 L.D. 1710

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-420)** (6 members)

In Senate, March 24, 2014, on motion by Senator **PATRICK** of Oxford, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-420)**, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Improve Access to Emergency Behavioral Health Services and Increase Public Safety (EMERGENCY)
H.P. 1165 L.D. 1594
(C "A" H-683)

In Senate, March 20, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683) AS AMENDED BY HOUSE AMENDMENT "A" (H-745)** thereto, in **NON-CONCURRENCE**.

Senator **JACKSON** of Aroostook moved the Senate **RECEDE** and **CONCUR**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECEDE** and **CONCUR**.

Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate on the Record.

Senator **PATRICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, I am really pleased today to stand up here to recognize a citizen of my home community of Rumford. He was given an award just recently that is indicative of the type of person he is. I'd just like to read his sentiment. State of Maine, be it known to all that we, the members of the Senate and House of Representatives, joining in recognizing Dan Gauvin of Rumford who is the recipient of the Business Recognition Award given by the Maine Association of Police. Mr. Gauvin is the manager of the S.G. Thibault Funeral Home in Rumford. He received the award for his long standing support of the Rumford Police Department and the community. We extend our congratulation to Mr. Gauvin on his receiving this award and be it ordered that the official expression of sentiment be send forthwith on behalf of the 126th Legislature and the people of the state of Maine. Dan is a great guy. He is the kind of person who actually sees a need within the community and acts on it. Dan is one who has always been extremely supportive of our police department and throughout the course of the year many times saw the idea that to recognize them, to bring them down snacks and cookies and sandwiches and stuff to them after they'd been out on a long shift. He's always within the community trying to do an awful lot of good. I know Dan as well. I am a member of the Greater River Valley Area McDonald's Senior Coffee Club. Dan frequently visits the McDonald's in Rumford to have coffee, either with himself or with his children. I'm extremely proud that a citizen like Dan, a community leader like Dan, is willing to step forth and do the extra things for our first responders, especially our police department. Thank you, Mr. President.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Daniel Gauvin and Katherine Napolitano-Ross. They are here from the town of Rumford and they are here as the guests today of the Senator from Oxford, Senator Patrick. Will they please rise and accept the warm greetings of the Maine State Senate.

COMMUNICATIONS

The Following Communication: S.C. 844

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 25, 2014

Honorable Justin L. Alford, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1812 An Act To Reduce the Burden Placed on
Students as a Result of Requirements To Take
Remedial Courses

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Rebecca J. Millett S/Rep. W. Bruce MacDonald
Senate Chair House Chair

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

The Following Communication: S.C. 845

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

March 25, 2014

Honorable Justin L. Alford, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1547 An Act To Support Municipal Volunteers

L.D. 1785 An Act To Make Consistent the Sales and Use
Tax Imposed on Various Fuels Used To Heat
Buildings for Human Habitation

We have also notified the sponsors and cosponsors of the Committee's action.

Sincerely,

S/Sen. Anne M. Haskell S/Rep. Adam A. Goode
Senate Chair House Chair

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Expand Coverage of Family Planning Services"

H.P. 881 L.D. 1247

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-655).**

Signed:

Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
McELWEE of Caribou
STUCKEY of Portland
MALABY of Hancock

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

Signed:

Senator:
HAMPER of Oxford

Representatives:
SIROCKI of Scarborough
SANDERSON of Chelsea

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-655).**

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 is An Act to Expand Coverage of Family Planning Services. I would say that a vote against this bill is a vote against women in the state of Maine. This legislation is a bill that allows families to plan the size and timing of their families. Women who can't afford healthcare or family planning are relegated to live in poverty because they lose control of the planning of their families and can't finish their education or have to stay home from work to care for their children. Only about one-third of women get coverage from the current family planning clinics. I wondered why that was and found out that the resources are not available and access to family planning would also encourage people, women especially, to seek care from their healthcare provider. This bill will save the State about \$2 million in the first three years by avoiding unplanned pregnancies. It would also reduce abortions in the same timeframe by about 350 and garner a match of \$9 to each \$1 invested by the State of Maine. It will provide a limited healthcare coverage for women earning up to 200% of poverty and covering cancer screening, annual exams, birth control, counseling, and prevention of sexually transmitted disease and other lifesaving services. I just think that everybody should have coverage and there has been a lot of push back on this bill from various people, some saying that there is insurance coverage for women under the Affordable Care Act. That's probably true, if they could afford it or if we were talking about people who are at that stage in their life. Most unplanned pregnancies happen to teenagers, to very young people, people with low incomes, and people who may live in rural areas that do not have access to family planning. I would ask that you vote in the affirmative on L.D. 1247. Thank you, Mr. President.

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

Senator **VITELLI:** Thank you Mr. President. Men and women of the Senate, I rise to echo the comments of my colleague and speak in favor of L.D. 1247. This bill, as you have heard, will improve the health of women and their families, will provide access to effective and affordable preventive care and birth control, will help prevent unintended pregnancies, and it comes with a 9 to 1 federal match. Accepting this bill should be a no brainer. Women's health should not be put at risk, especially when we don't have to. In my experience and in my observation of working with women over 30 years, low income women, in particular, face decisions everyday about where to spend their limited resources. This bill will take some of the stress out of those decisions and make it easier for them not to ignore their own health when it comes to making some of those decisions. A quote from the Bangor Daily News article on this subject recently reflects my thinking, "That there are no good reasons to make it

difficult for those with low incomes to access preventive care." I urge your support and passage of this bill. Thank you.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, as a member of the no brain caucus I rise this morning to remind you that the ACA mandated by the federal government mandates insurance coverage for people over 100% of federal poverty level. This bill plans to cover those from 100% to 200% of federal poverty level, which are supposed to already be getting coverage through the ACA by going to the Exchanges. This will simply be un-administrable. Is that a good word? Do you like that? Think about it. We are going to extend limited MaineCare or Medicaid coverage to individuals who are not covered under MaineCare for specific services. Think about the administration of that and the task that we're giving to the department. On the fiscal note, it says we're going to be covering somewhere between 7,400 to 13,700 people at a bargain basement price of \$215,000 to \$538,000 if we get the 90% reimbursement rate from the federal government, if we get the waiver, and, from other testimony that I've given on expanding Medicaid, we find that not everyone gets covered at that rate and a good chance that about half of those people will be covered at a 61.5%. The \$215,000 to \$538,000 fiscal note is another rosy picture. I do not rise to vote against women. I will not vote red today to vote against women and to not give them access. Let's go to the Open Arms Pregnancy Center in Bangor; or the First Step Pregnancy Resource Center in Bangor; or the Shepherd's Godparent House in Bangor; or St. Andre's Group House in Bangor, Lewiston, and Biddeford; or CareNet of Mid-Coast Maine in Brunswick; or Pregnancy Care Center of Aroostook in Houlton, Fort Kent, and Presque Isle; Options for Women Pregnancy Health Center in Dover; Mother Seton House in Fryeburg; Shepherd's Hand in Jay; Mary's Place in Lewiston; Hope House Family Support Center in Lewiston; Hope House in Mechanic Falls; ABBA Women's Resource Center in Portland; Catholic Charities of Maine, Birthline. By the way ABBA in Portland offers all kinds of STD testing and other services available there. You have Project Rachel in Portland; McCauley Residence in Portland; CareNet; Crisis Pregnancy Center in Rockland; ABBA Pregnancy Resource Center in Sanford; First Choice Pregnancy Resource Center. All of these offer services that are non-abortive and they are privately funded. The ObamaCare mandate is at deadline. Why should Maine be giving free coverage, more money, for planned parenthood and family planning when these services will be covered in Maine via their healthcare provider? Thank you, Mr. President.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I rise in strong support of L.D. 1247. Increasing access to affordable family planning services isn't just about women's health. In fact, it's about the economic security of Maine families and Maine communities. L.D. 1247 is not about the Affordable Care Act. L.D. 1247 would instruct the department to put a State plan amendment forward to the Center for Medicaid and Medicare Services to make us eligible for the match in order to help women across Maine with important healthcare services. Supporting this

initiative means access to lifesaving cancer screenings, annual exams, birth control, sexually transmitted disease testing and treatment, breast healthcare, pap tests, sexual health education, information and health counseling services, and nearly \$2 million in savings over the next three years for the State of Maine. Passing L.D. 1247 does not provide any funding for abortion services. In fact, federal law prohibits that.

On a personal note, I'll tell you about my friend Sarah. Sarah is a longtime family friend and several years ago I got a panicked call from my sister saying, "Emily, Sarah is in a lot of pain. She has swelling in her abdomen and she doesn't know what to do." I suggested she head over to Family Planning Services where there they were able to find out that Sarah had a mass the size of a softball on her ovary. She was scared, but because they were able to offer her the cancer screening she needed as someone who was working at a job where she would be soon eligible for insurance but hadn't quite worked there long enough to qualify. Family Planning Services was there for her and enabled her to get tested, to find out it wasn't cancer, to get the surgery she needed, and today, now almost three years later, that tumor has not returned.

This bill is important because when women have choices they can plan effectively for their future and improve their economic standing and the economic security of their families. This bill gives Maine women, and especially low income women, more choices about their bright futures. I ask you to join me in supporting Maine women and Maine families by supporting this motion. Thank you, Mr. President.

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I want to clear up a few things about this bill. One is that it is not related to Medicaid expansion and the 90% match rate for this family planning services has been consistent for 40 years. The federal government has always done that. They have never reneged on that. It's been consistent. Thirty other states have done this. They are models for administration. We don't have to figure it out. We don't have to start from ground zero. There are plenty of models for us to do this. The other thing I want to point out is people talk about the money you would spend. The cost of unintended pregnancies is pretty high. I spent the day yesterday hearing about some of those costs in my committee. It's much cheaper to provide family planning services and provide services that actually might prevent some pretty expensive diseases, like cervical cancer and like breast cancer, and get these things early than it is to not. I think it saves money. I think it saves lives. I would also ask you to consider one other way that you save money on this is that unintended pregnancies that lead to the birth of a child often lead to children living in a lot of stressed families, living in a lot of stress. You raise the cost that we all pay for that, if you just want to look at the cost, when you have to pay for things like TANF, when you have to have Child Protective Services involved, when you have to do a whole bunch of things. I think women, and men, are the best parents when they can plan their families and when they can do that on their own time, when they can afford it and when they have the capacity to care for those children in the best manner possible. I urge you to vote in favor of this bill. Thank you very much.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today in support of L.D. 1247. It's funny that they say timing is everything. I find it very interesting that today we're taking up L.D. 1247 just hours after the Supreme Court heard oral arguments about whether or not a corporation, or more precisely a corporation owner, will have the ability to decide what parts of health insurance plans employees will or won't have access to. For a group of people who make a habit of crying freedom, the same way that Peter cried wolf in the stories I heard as a child, it concerns me that so many people in our government are so intent on getting involved in our healthcare decisions. It does seem to be hypocritical and disingenuous that you don't hear these same people arguing that men should not have access to Viagra. Clearly it is an attack only on women. I'm a simple man, so I'll keep my remarks in the simple. Working women and poor women, just like working men and poor men, deserve to have access to healthcare and not just the parts that you don't want them to have or the parts that make you feel uncomfortable. Let's be clear about it. Birth control and family planning are healthcare decisions made between a patient and their doctor to what is best for the health and wellbeing of a patient. I stand today in support of L.D. 1247 and hope you will join me in standing up for access and for the freedom of women throughout Maine to take care of themselves as they and their doctor see fit.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I just wanted to point out that MaineCare already pays up to 200% coverage for women who are pregnant and there is a lot of resentment in some places for any support that we have to provide for children born into poverty or women trying to raise their children in poverty. I say women because almost always women end up as single parents in those situations where a child is unplanned, to do the hard work of raising that child. I think that this is a great opportunity for us to save money, to provide services, to give people control of their own lives, and to avoid having to pay for children that are born unplanned. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, just very briefly. Patients, or you all, that come to me or your healthcare providers searching for prevention primarily. You want to have your cholesterol taken care of, your blood pressure, your kidney problems, or your arthritis taken care of early. Prevention is really where it's all at. We save money. We save lives. I think this is absolutely central to what a medical mission is. I support this wholeheartedly. Thank you, sir.

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

Senator **BURNS**: Thank you Mr. President. Ladies and gentlemen of the Senate, I pass up many opportunities to stand up and speak in retort, I guess, to some of the things that I hear, but hypocritical, a vote against women, Peter and the wolf, those who cry freedom. Can't we keep the level of debate above this level? I'm voting against this for different reasons. These services are already available. We don't need to expand this from 100% to 200%. Please respect my vote. Thank you, Mr. President.

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 (#498)

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

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

ABSENT: Senator: SHERMAN

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, 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-655) **READ** and **ADOPTED**, in concurrence.

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

Senate

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify and Update a Nurse's Authority To Administer Medication"

S.P. 701 L.D. 1766

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-459).**

Signed:

Senator:
PATRICK of Oxford

Representatives:
HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford
WINCHENBACH of Waldoboro

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

Signed:

Senator:
CUSHING of Penobscot

Representatives:
DUPREY of Hampden
LOCKMAN of Amherst

Reports **READ.**

Senator **PATRICK** of Oxford 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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Improve the Availability of Coupons in the State"

S.P. 253 L.D. 704

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-460).**

Signed:

Senators:
TUTTLE of York
MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
RUSSELL of Portland
SAUCIER of Presque Isle
SCHNECK of Bangor
TURNER of Burlington

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

Signed:

Senator:
PATRICK of Oxford

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-460) **READ** and **ADOPTED**.

Under suspension of the Rules, **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:

Act

An Act To Further Delegate Permit-granting Authority to the Bureau of Forestry

S.P. 657 L.D. 1673
(C "A" S-428)

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Resolve, To Improve Access to Emergency Behavioral Health Services and Increase Public Safety (EMERGENCY)
H.P. 1165 L.D. 1594
(C "A" H-683)

Tabled - March 27, 2014, by Senator **JACKSON** of Aroostook

Pending - motion by same Senator to **RECEDE** and **CONCUR**

(In Senate, March 20, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683)**, in concurrence.)

(In House, March 26, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683) AS AMENDED BY HOUSE AMENDMENT "A" (H-745)** thereto, in **NON-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 Oxford, Senator Hamper.

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, just a little background on this particular bill. The state of Maine currently has the Maine Statewide Crisis line, the Developmental Service Crisis line, and the National Suicide Prevention Lifeline. They already use the same number, which is 1-888-568-1112. Staff members who answer the phones have completed a crisis training curriculum and are certified as mental health rehabilitation technicians or crisis service providers. The crisis training curriculum is an extensive training and the trained crisis phone staff are excellent at mental health crisis service triage. They are often able to stabilize the person calling by offering phone support. This intervention decreases the amount of clients who need more expensive interventions. Remember that these call lines require specific expertise, poison control and domestic violence, while others may require a State employee to get involved in assessing the referral for the need for immediate response, such as child abuse or elder abuse, but all of these crises on the hot line are important, but not all require immediate response by highly trained crisis staff, such as a 2-1-1 or the drug tips. If there was to be one call number there would be more change that someone in crisis or an emergency would not be responded to immediately, thus putting them at further risk. Therefore, I rise in opposition to the bill. Thank you, Mr. President.

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

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, this is really a very useful bill. Many, many people, when they are in crisis, don't remember the crisis number that's available to them now. They call 9-1-1. The first responders have to go out, often they take them to the hospital emergency room, which costs us a lot of dollars. It's not an appropriate setting for many, many people to get the service. First responders are not trained in mental health intervention and that is not their role. This bill would create a simple, very memorable number that people would call, where they would get adequate and correct counseling or referrals if needed. If they need to have an intervention from first responders then the counselor would certainly refer them to that place. I think that that is the biggest value of this and actually it's going to save money in the long run from our local municipalities and keep people safer. Thank you, Mr. President.

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

Senator **LACHOWICZ**: Thank you Mr. President. Men and women of the Senate, I've actually been a crisis worker, answered the calls on a crisis line, done the assessments and the various emergency rooms in Kennebec and Somerset Counties before. This bill does something that both my colleagues have spoken about, but it does one thing that I think is truly innovative. That is, it asks for consumer involvement in the development of a new way to do this. That's critical for a couple of reasons. One is that most of the numerous effective treatments in mental health, including crisis services, want consumer involvement. They want involvement of people who actually are struggling with a mental health issue currently because the reality is you can't just make someone get better. They have to be involved in it. To have consumers involved in their development and the provision of these services and have them trained is actually one of the best ways we can do it because your peers are sometimes the best people that you lean on in times of crisis. They give you the best advice sometimes. It would be great if they could be trained. It would be great if they could be involved in the development of something that could help people who really need some help in a time of need. Thank you very much.

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

Senator **CRAVEN**: Thank you Mr. President. Has there been a roll call ordered?

THE PRESIDENT: The Chair would advise yes, a roll call has been ordered. The pending question before the Senate is the motion by the Senator from Aroostook, Senator Jackson to Recede and Concur. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#499)

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

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

ABSENT: Senator: CUSHING

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **JACKSON** of Aroostook to **RECEDE** and **CONCUR**, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later Assigned (3/18/14) matter:

Emergency Measure

An Act To Provide for a Quorum at the Public Utilities Commission

H.P. 1191 L.D. 1619
(C "A" H-645)

Tabled - March 18, 2014, by Senator **HASKELL** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 5, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-645)**, in concurrence.)

(In House, March 12, 2014, **PASSED TO BE ENACTED**.)

On motion by Senator **CLEVELAND** of Androscoggin, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-645)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-645), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-461) to Committee Amendment "A" (H-645) **READ**.

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

Senator **CLEVELAND:** Thank you Mr. President. Just briefly, this is not a substantive amendment. It's a clarifying amendment. I think it is good and helpful. It does two things. It involves an amendment to the section that deals with the compensation for the temporary Public Utilities Commissioner, who would sit-in in a situation where there wasn't a quorum. The two things that it does is says that the compensation will be based on the number of hours that that temporary commissioner spends at the commission office, no place else. It puts in a formula that clarifies how that rate is determined. It simply takes the compensation for a commissioner, divides it by the total number of hours per week, which is based on a 40 hours week, and that derives an hourly rate. It makes clear both when that commissioner can be compensated and how the rate will be determined.

On motion by Senator **CLEVELAND** of Androscoggin, Senate Amendment "A" (S-461) to Committee Amendment "A" (H-645) **ADOPTED.**

Committee Amendment "A" (H-645) as Amended by Senate Amendment "A" (S-461) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-645) AS AMENDED BY SENATE AMENDMENT "A" (S-461) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/18/14) matter:

NOMINATION - of Robert E. Mullen of Waterville for appointment as a Superior Court Justice

Tabled - March 18, 2014, by Senator **VALENTINO** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, March 18, 2014, Communication (S.C. 804) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE.** On motion by Senator **VALENTINO** of York, **RECONSIDERED CONFIRMATION.**)

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

Senator **VALENTINO:** Thank you very much Mr. President. Men and women of the Senate, I rise today with great pleasure to vote on the nomination of Robert E. Mullen of Waterville. Many of you may remember we had this vote back on March 18th. What happened is that we received a note after we had voted on it that, according to statute, we were not able to vote for the confirmation until 30 days before the vacancy. It was later found that the current judge is not retiring until April 24th. That's why I stood up, moved for a Reconsideration of the vote, and tabled it, so that we could be within the window of the 30 days. This was a

unanimous report out of the Judiciary Committee. I highly recommend Judge Mullen to go to the Superior Court and I would urge everybody to vote for his confirmation. Thank you very much.

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 125th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#500)

YEAS: Senators: None

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, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND**

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Robert E. Mullen** of Waterville for appointment as a Superior Court Justice was **CONFIRMED.**

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

The Chair laid before the Senate the following Tabled and Later Assigned (3/21/14) matter:

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

Tabled - March 21, 2014, by Senator **JACKSON** of Aroostook

Pending - **FURTHER CONSIDERATION**

(In House, March 6, 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-627).**)

(In Senate, March 19, 2014, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**)

(In House, March 20, 2014, that Body **INSISTED**.)

Senator **TUTTLE** of York moved the Senate **INSIST** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#501)

YEAS: Senators: **BOYLE, CAIN, CRAVEN, DUTREMBLE, GERZOFOSKY, JACKSON, SAVIELLO, TUTTLE, VALENTINO**

NAYS: Senators: **BURNS, CLEVELAND, COLLINS, CUSHING, FLOOD, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SHERMAN, THIBODEAU, THOMAS, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND**

9 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **INSIST** and **ASKED FOR A COMMITTEE OF CONFERENCE, FAILED**.

On motion by Senator **JACKSON** of Aroostook, the Senate **ADHERED**.

The Chair laid before the Senate the following Tabled and Later Assigned (3/21/14) matter:

Bill "An Act To Allow Maine's Harness Racing Industry To Compete with Casino Gaming"

H.P. 780 L.D. 1111

Tabled - March 21, 2014, by Senator **JACKSON** of Aroostook

Pending - **FURTHER CONSIDERATION**

(In House, March 12, 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-628) AS AMENDED BY HOUSE AMENDMENT "B" (H-671)** thereto.)

(In Senate, March 19, 2014, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

(In House, March 20, 2014, that Body **INSISTED**.)

Senator **TUTTLE** of York moved the Senate **RECEDE**.

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

The Senator from Kennebec, Senator **KATZ**, requested and received leave of the Senate to be excused from voting pursuant to Senate Rule 401.3.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I would ask that you would allow us to go through the next motion and vote for the Recede so that we might vote up or down on recommitting back to the committee. I think it's a courtesy that should be extended to fellow members of the Senate and is something that is a long standing tradition and I hope that you would give me that courtesy to at least get it in the posture where I might debate recommitting to the committee. I would ask unanimous consent to allow that to happen.

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 will be voting against the Recede motion. Being a member of the Commission for Competitive Bidding process, being a member of the Legal and Veterans Affairs Committee, I believe we have had plenty of time to work this bill over the last two years and I think the Body has spoken once already on the issue. I think it is time to finish our job. Thank you.

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

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, I will be supporting the motion to Recede. One of the reasons was, actually is, that last week, after the floor debate that we had, I've never felt more energized and excited in the last ten years. I really felt that the Legislature was going to get behind a comprehensive plan. I worked all weekend. I came up with what I thought was a great proposal. I even got up at 3 o'clock in the morning on Sunday because there were so many things swimming through my mind to go through. I have a plan. I have charts, spreadsheets, colored maps, narratives, specific bullets, but I didn't see anything come of it yesterday. I'm not sure where that is going to happen. I spent a lot of time on it and I'm not sure what it's going to do. Today I have to really try to get the Recede on this bill. Why? Because this is the best bill before us. They listened. They listened to everything that the people had to say on the referendums, that the committee had to say, that I've been talking about. We have a minimum bid for a license now of \$5 million. They are offering us ten times that amount, \$50 million. They are offering us the \$250,000 privilege fee. They are offering us the hotel rooms with the spa, the conference

center, and pools under the condition that they don't get a license fee until it's built, unlike another casino that's got a license fee on the cheap and never built anything. People can come up with a lot of fancy plans, but they didn't have to build them. I guess what I'm saying is that if you want to vote for anything today, as far as the casino, this is the plan. This is the business plan. This is the plan that helps everybody in the state of Maine with a \$50 million fee, a condition that nothing will be given to them as far as the license until all of the real property is built on it. What I'm saying is that if anybody is thinking we need a casino in the state of Maine, if you're a business person this is the business plan. This is what's good for everybody. Don't give a license away for cheap like we did before. I'd like to have a comprehensive plan. It's not before us, so I'm voting for this. Where other people are coming before you and asking for a discount of 95% off, or 99.5% off, these people are offering you ten times what we have in statute. It's a good plan to create money for the state of Maine, to create jobs for the state of Maine, and if you're voting for anything this is the one to vote for, for everybody to share equally. Thank you.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I rise in opposition to the pending motion and I'll be voting with the Senator from Oxford, Senator Patrick. First of all, I'd like to say thank you to the Senator from York, Senator Valentino, for her efforts on moving a comprehensive plan along for the state of Maine and our gaming industry. However, I firmly believe that we need to have a study to tell us what our comprehensive plan should be before we adopt one. In Maine we have, pardon the pun, the cart way before the horse. I think that we need to study the industry, study what gaming in Maine is going to look like over the next ten years. I believe there is a way for us to do that. The bill in front of us does not do that. I think the Veterans and Legal Affairs Committee can address all of the gaming issues in the authority that we have to report out a bill through the Gaming Commission that met over the fall. Mr. President, I would urge you and the other members of the Senate to vote against the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Tuttle to Recede. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#502)

YEAS: Senators: BOYLE, CRAVEN, DUTREMBLE, FLOOD, GERZOFSKY, HASKELL, JACKSON, PLUMMER, SAVIELLO, TUTTLE, VALENTINO

NAYS: Senators: BURNS, CAIN, CLEVELAND, COLLINS, CUSHING, GRATWICK, HAMPER, HILL, JOHNSON, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, SHERMAN, THIBODEAU, THOMAS, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

EXCUSED: Senator: KATZ

11 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **TUTTLE** of York to **RECEDE, FAILED.**

On motion by Senator **JACKSON** of Aroostook, the Senate **INSISTED.**

The Chair laid before the Senate the following Tabled and Later Assigned (3/21/14) matter:

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

Tabled - March 21, 2014, by Senator **JACKSON** of Aroostook

Pending - **FURTHER CONSIDERATION**

(In House, March 6, 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-629).**)

(In Senate, March 19, 2014, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED, in NON-CONCURRENCE.**)

(In House, March 20, 2014, that Body **INSISTED.**)

Senator **TUTTLE** of York moved the Senate **INSIST** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

On motion by Senator **PATRICK** of Oxford, 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 York, Senator Tuttle.

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I would hope and request that fair and equal consideration be given to the Northern Maine tribal casino bill, as that is currently being extended to the other tribe, the Passamaquoddy. They are nearly identical casino bills. This will very much affect the folks of Washington County. I'm just asking that you give us a chance to get together and find some solution to this issue. We were hoping that we would have a vehicle to do that, but after the last vote it doesn't appear to be going to happen. I think this will provide an important last opportunity to discuss and to amend the Maliseet gaming bill so that it may be

acceptable to the Senate and to the other Body. I know that Chief Commander and Representative Bear have been working very hard on this issue. They are willing to accept any necessary amendments to make this proposal a reality. We should not arbitrarily pick winners and losers among the tribes. I think given the very close vote, bills receiving the same number of votes, it seems that a successful negotiation is a realistic possibility for both sides to amend their bills and that possibility is worth being given an equal chance to occur. That's why I'm requesting a Committee of Conference, Mr. President. Thank you.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I rise to give voice to the Maliseet tribe at the request of Representative John Bear. Since Maine has authorized multiple forms of gaming, such as lottery, two non-tribal casinos in Bangor and Oxford, harness racing, charity bingos, and scratch tickets, Maine has no choice but to approve tribal gaming and casinos in both Aroostook County and Washington County and the electronic version of beano proposed by the Penobscot Nation or face legal consequences. Our casino will provide revenues for the operation of the tribal government and will provide consistent funding for tribal services, independent of federal grants. It will provide a major source of much needed employment on tribal lands for both tribal and non-tribal people in Aroostook County. Self-determination and economic development are not within reach of the Maliseet. It cannot raise revenues and provide employment for their members. The Department of the Interior, which has the primary responsibility for carrying out the federal government's trust obligations to Indian tribes, has sought to implement these trust obligations by promoting tribal gaming enterprises across the country. Under the Indian Financing Act of 1974, the Secretary of the Interior has made grants to federally recognized tribes. It has guaranteed loans for the purpose of constructing gaming facilities. Furthermore, HUD and the federal DHHS, yes, Health and Human Services, has also provided financial assistance to develop tribal gaming enterprises throughout the United States. Three federal agencies. There is also a Maliseet Tribal Resolution authorizing gaming on the trust lands in Houlton. The Secretary of the Interior has approved such tribal resolutions and ordinances establishing and regulating the gaming activities involved for more than 200 tribal casinos. Furthermore, the Secretary has the authority to review tribal gaming management contracts under 25 USC S81 and has issued detailed guidelines governing that review to protect tribes from crooked casino developers. Interestingly, in 1996 the First Circuit Federal Court of Appeals ruling in the case of Passamaquoddy vs State of Maine regarding the application of AGRA in Maine does not apply to the Maliseet gaming proposal. Instead the 1987 Supreme Court decision applies and binds the State of Maine. Maliseets are therefore insisting that members of the Maine Senate, all of whom swore an oath to uphold the laws of the United States, comply with the law and vote to Recede and Concur with the Majority vote of the Maine House of Representatives or that alternative, to agree with Senator Tuttle's proposed motion for a Committee of Conference, so that Senate members can confer and negotiate a gambling bill or compact with the Maliseets in good faith that is legal and agreeable to all parties and then vote

to pass and agree upon amendment L.D. 1298 in the Senate. Thank you very much, Mr. President.

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

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, I rise today in opposition of the motion. This is a bad proposal. We just voted down a \$50 million fee. This proposal has a \$250,000 fee, which is 95% less than the fee that we have in statute. This proposal has no privilege fee, no \$250,000 upfront. Their license is not tied into any hotel rooms, spas, conference center. They can do exactly what Oxford did, just build the casino and never build anything. Oxford showed us a lot of fancy plans, but I don't see any fancy hotels up there. This does not make business sense. When other states are selling their licenses for \$200,000, and we're going to sell ours for \$250,000. This does not make sense. This is not a business plan. This does not help the people of the state of Maine. This does not help the General Fund. I want to take up my good friend, the Senator from Androscoggin County. He says we're going to work on a comprehensive plan. We should vote down all of these, the rest of these, bills today and actually do a comprehensive plan on it. Comparing this bill and other bills to the bill that we just voted against, I don't see how I can vote on them at all. We had an opportunity. I'm not going to go home and tell the people in my district that I sold a license for \$250,000 when I could have gotten \$50 million for it. Please vote against the motion.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Tuttle to Insist and Ask for a Committee of Conference. 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 (#503)

YEAS: Senators: BOYLE, CAIN, CRAVEN, DUTREMBLE, FLOOD, HASKELL, JACKSON, JOHNSON, LANGLEY, PATRICK, PLUMMER, SAVIELLO, TUTTLE

NAYS: Senators: BURNS, CLEVELAND, COLLINS, CUSHING, GERZOFISKY, GRATWICK, HAMPER, HILL, KATZ, LACHOWICZ, MASON, MAZUREK, MILLETT, SHERMAN, THIBODEAU, THOMAS, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE**, **FAILED**.

On motion by Senator **JACKSON** of Aroostook, the Senate **ADHERED**.

The Chair laid before the Senate the following Tabled and Later Assigned (3/21/14) matter:

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

Tabled - March 21, 2014, by Senator **JACKSON** of Aroostook

Pending - **FURTHER CONSIDERATION**

(In Senate, March 19, 2014, on motion by Senator **PATRICK** of Oxford, Report "**B**", **OUGHT NOT TO PASS READ** and **ACCEPTED**.)

(In House, March 20, 2014, Report "**A**", **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-399)**, in **NON-CONCURRENCE**.)

Senator **TUTTLE** of York moved the Senate **INSIST** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#504)

YEAS: Senators: **BOYLE, CAIN, CRAVEN, DUTREMBLE, GERZOFKY, HASKELL, JACKSON, JOHNSON, SAVIELLO, TUTTLE**

NAYS: Senators: **BURNS, CLEVELAND, COLLINS, CUSHING, FLOOD, GRATWICK, HAMPER, HILL, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SHERMAN, THIBODEAU, THOMAS, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND**

10 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **INSIST** and **ASKED FOR A COMMITTEE OF CONFERENCE, FAILED**.

On motion by Senator **JACKSON** of Aroostook, the Senate **ADHERED**.

The Chair laid before the Senate the following Tabled and Later Assigned (3/26/14) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow the Passamaquoddy Tribe To Operate Slot Machines in Washington County in Conjunction with High-stakes Beano"

H.P. 1091 L.D. 1520

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-630)** (3 members)

Tabled - March 26, 2014, by Senator **JACKSON** of Aroostook

Pending - **FURTHER CONSIDERATION**

(In House, March 6, 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-630)**.)

(In Senate, March 19, 2014, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

(In House, March 25, 2014, that Body **INSISTED**.)

Senator **TUTTLE** of York moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **JACKSON** of Aroostook, 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 York, Senator Tuttle.

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, this is our last bill on gaming probably for a while. There is a long history of this bill. Many promises made by many Administrations. The promises were not kept. I wish I had been involved in the process over the last decade. I think things might have been a little bit better. If I would have had my way I think the tribes should have probably been given first dibs at this because it makes the most sense. I think they had a plan 20 years ago. I do give the present Executive credit. He says that if this bill gets presented to him he will sign it. I don't need to go into the economic factors of how this would impact the tribes, the benefits, how it would allow them to be self-determined, allow them to do the right thing for their folks. I know Senator Burns has submitted letters to us from the folks in Washington County. I'm just hoping that we have one vehicle left to do the right thing. Therefore, I would respectfully request that you would vote to Recede and Concur. Thank you, Mr. President.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I'm not a tribal member but my husband is half Penobscot, so I figure I have the permission to get up here and represent the tribes in the Senate. I'm actually reading a letter from Representative Soctomah, at her request. "Dear Ladies and

Gentlemen of the Senate. I have spoken on this issue many times before and I will not bore you with repeating my previous remarks." This is a quote, I am quoting so it sounds a little bit odd. "I will simply say that, as a Representative of the Passamaquoddy people, I implore you today to support L.D. 1520. If we are to continue as a people, to preserve our history and our culture, we must be able to earn a living on our ancestral lands. We must have economic development. I believe L.D. 1520 represents this economic development. For us, this bill represents what we believe to be a component of our economic future. The Passamaquoddy Tribe has been trying for over 20 years, since the 115th Legislature, before there was any gaming facilities in the state of Maine, to pass gaming legislation to promote strong, sustainable economic development within the community. These efforts have not always been successful, however, and currently our tribes are experiencing high unemployment and limited opportunities for business and development. While some have been discouraged by previous attempts which have not been successful, many of us continue to push for a new opportunity which could provide us with a true economic base. We have enough experience with government assistance programs to know that if we are to succeed we must lift each other as tribal members, and lift ourselves as a tribe. To my people this bill is not about gambling. It is about jobs in our local area. It's about investment in the surrounding region where we live. It is about establishing a commercial development that will stimulate long-term economic growth in that area. To that end, the Passamaquoddy Tribe is committed to bringing a tribal gaming facility to Washington County. We have watched for years as federal tribes across the country have opened gaming facilities and used the revenue they generate to build strong, sustainable communities. Since 1992 the Passamaquoddy Tribe has been working with the Legislature to make such a facility possible. Passage of this bill would represent the cultivation of this work. I ask you now, perhaps for the last time as the Representative of the Passamaquoddy people, for your support in voting for L.D. 1520. The passage of this has its own merits. Thank you." Thank you, Mr. President.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I rise again in opposition to this pending motion. I would just like to say that we can start the process of comprehensive casino gaming in the state of Maine. We have the opportunity to do that in the Veterans and Legal Affairs Committee. We could have started it last summer, out of the commission that met over the summer and fall that looked at the gaming industry in the state of Maine. We could have had a study. We could have talked about how to deal with these things and we might have been able to deal with it in this session had we had a study that answered very specific questions. We need to ask the questions of: is there a market to be expanded on gaming in Maine? If there is, how are we going to create the most jobs and create the most money for the General Fund? These are questions that must be answered before we expand gaming any further in the state. We have not answered these questions as a Legislature. We need to do that before we continue on and vote for more casinos in the state of Maine. Mr. President, I would urge the Body to vote against the pending motion so that we can move forward with a truly comprehensive

study on a plan for gaming for the future of the state of Maine. Thank you.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I stand here today speaking both in favor of and opposition to this motion. Anyone who knows me, I've been here since 2000, in the 120th. I've supported a couple of tribal bills. I helped get them down on the Chief Executive's desk and they were vetoed. We didn't override the veto. The one thing I want to get on the record is I will continuously say that gaming is not economic development. It's not economic development in Bangor. It's not economic development in Oxford. It's not economic development. If you take a look at a gaming business, you have people coming in and spending their money there. The company is going to be either profitable or not profitable. It happens to be that most gaming facilities are profitable, and that depends on how many are within the state of Maine. If you really want to take a look at the local issue; who pays the bills for most casinos? If you take a look at it, it's the local people. The local people actually, from what I honestly believe in my heart of hearts, pay that electricity, the bills, the mortgage, if there is one on the building, and the extra people that come into the area help make and generate a lot more of the profit. From that standpoint, I'm actually in opposition. I think Bangor has done fairly well. I think Oxford has done fairly well. Between the two of them they have generated \$1 billion of income, or at least revenue, that's filtered through those two businesses. The State has gained some on that through the cascade, which is one word I really don't like because cascade is just a bunch of carrots that entice us to say this is a good idea. I wish we were voting right now to not allow any gaming in the state of Maine, or at least casino gaming. I would be voting for that. As a person who does game, what do I get out of my money? A brief moment of fun and then my money is vaporized. When you game, the static analysis basically is, they pay back 82%, 83%, or 92%. All that means is; how long are you going to have your money in your hands in order to get it? That's probably the reasons why I'm in opposition to the bill. I will say also that former Senate President Raye poured his heart out in the same Chamber in the 125th. I know he did in the 123rd, and I think the 122nd, in order to help the tribes. Do I think it's a total injustice? Well that's kind of the way politics work. If we did decide to pass this bill, if this bill goes forward, it does have many things wrong with it. Just as my good colleague from York says it doesn't do a lot of things. That doesn't mean, for this instance and on this one bill for Washington County, you can't make changes. That doesn't mean that we're not going to make state policy as to gaming. In this bill we're not going to have a huge study, which we should. We don't know what the economic viability is within the area. What you would actually be doing is voting to allow the tribe that's probably been trying the hardest and the longest to have an opportunity. I'm still not 100% sure where I'm going, but let's get it all out on this one, ladies and gentlemen. This tribe has been trying for year after year after year. Sometimes they shot themselves in their own foot on what happened near the end of the bill. We're here today. We're going to look at the merits. We know what's inside the bill. Vote your conscience. I want to thank you for your time, Mr. President.

LEGISLATIVE RECORD - SENATE, THURSDAY, MARCH 27, 2014 (CORRECTED COPY)

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

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, I fully intended to vote for this bill if L.D. 1111 had gone through, but it didn't. We've turned down \$50 million for \$250,000. I certainly appreciate all the work that they have done, but I strongly feel if one of the bills goes through it will ruin the entire concept of trying to do a comprehensive plan. I think we need to start a comprehensive plan and that's why I'm voting against this motion.

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

Senator **TUTTLE:** Thank you Mr. President. Briefly, I'd agree with the good Senator from Oxford. They promised us 4,800 jobs. They delivered 400. In Bangor they promised us they were going to save the harness racing industry. What they did was they built a building across the street. Now harness racing is going out of Bangor. The reason why the Commission failed, it was doomed to failure because of the makeup of the committee. Instead of having the Committee on Veterans and Legal Affairs do the work, we got every stakeholder come in and they couldn't agree. We were doomed for failure. Hopefully we can do better in the future.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Tuttle to Recede and Concur. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#505)

YEAS: Senators: BOYLE, BURNS, CAIN, CRAVEN, DUTREMBLE, FLOOD, HASKELL, JACKSON, JOHNSON, LANGLEY, MAZUREK, PATRICK, SAVIELLO, SHERMAN, TUTTLE

NAYS: Senators: CLEVELAND, COLLINS, CUSHING, GERZOFISKY, GRATWICK, HAMPER, HILL, KATZ, LACHOWICZ, MASON, MILLETT, PLUMMER, THIBODEAU, THOMAS, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **JACKSON** of Aroostook, the Senate **ADHERED**.

The Chair laid before the Senate the following Tabled and Later Assigned (3/26/14) matter:

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)

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

Pending - **CONSIDERATION**

(In Senate, March 12, 2014, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, March 26, 2014, Veto Communication (S.C. 842) **READ** and **PLACED ON FILE**.)

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

Senator **MILLETT:** Thank you Mr. President. Colleagues and members of the Senate, we know that investing in early childhood translates into long-term economic benefits for our state. We know this, our business partners know this, our armed forces know this, and our law enforcement knows this. In order to achieve this we need a comprehensive plan to meet the whole needs of our children. Cognitive, social, emotional, and health needs of our children are complex and involve many members of our community. In recognition of the importance of robust and seamless early childhood programs this bill strengthens the Maine Children's Growth Council. If Maine Children's Growth Council doesn't help coordinate the myriad of programs and services I ask who will. We are losing precious time in our efforts to help all of our children grow into healthy, happy, and productive members of our community. How much longer must we wait? How much longer must our children wait? Less than half of Maine's school districts offer public pre-K programs and less than one-third of eligible 4 years olds are enrolled. We are failing to make progress in establishing early childhood education plans. This bill is a direct response to Maine's Chief Executive's request. In 2011 the Chief Executive, in a previous veto letter, noted that the Maine Children's Growth Council is the place where the conversation regarding early childhood should happen. He urged the removal of silos, like CDS, pre-K, Head Start, and private early childhood programs. He said, "The MCGC was the voice of young Maine children and families." I agree. As Chair of the Education and Cultural Affairs Committee I see many opportunities for increased cooperation, communication, and efficiencies. I see the need for a comprehensive approach that involves all members of our state's community. L.D. 1449 does that in a meaningful, constructive, and productive manner. I urge my fellow colleagues to get Maine moving in the right direction for our children, our families, and our state and not let politics get in the way. Support strengthening the Maine Children's Growth Council and join me in voting to override the veto. Thank you, Mr. President.

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

Senator **VITELLI:** Thank you Mr. President. Men and women of the Senate, I, too, rise to support the override of this veto. I had the pleasure of serving on the Children's Growth Council a couple of years ago for about a year and a half, so I was surprised by

this veto of a bill which I viewed as helping to strengthen the Council's work, its membership, and focus their efforts on behalf of children in Maine. I think this veto sends a wrong message to the parents, early childhood advocates, and the businesses, all of who recognize the importance of early learning. As you have heard, study after study illustrates the importance and the value of investing in early childhood. It's crucial to prepare our youngest to be ready to go. It gives students a better chance to be proficient in reading and math. It helps students complete high school. Parents, educators, and businesses alike all agree that implementing comprehensive early childhood education reaps significant benefits for Maine's economy. I also serve on Maine's Economic Growth Council and, as you all are familiar, that council has really helped set a path for our future and is a tool that we all, I hope, use in our policy work. The Children's Growth Council has the opportunity to do the same thing. The bill asks the Children's Growth Council to work on a strategic plan that would unify and strengthen early childhood education in Maine. This is a smart approach that makes financial sense and will, in the long-run, help reduce duplicative efforts. It is puzzling to me that the Chief Executive does not seem to support planning and coordination for early childhood education. We, in the Legislature, however, have an opportunity to send a more positive message to Maine businesses and Maine early learning investment groups. The Children's Growth Council is an important body to help us move Maine forward in early learning and it deserves our support. I hope you will join me in overriding this veto. Thank you.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of overriding the veto of L.D. 1449. I know that some of you, perhaps many of you, like me, have young grandchildren. Nothing made me rethink my priorities more than their arrival. It's a very different world our grandchildren enter into than when I grew up. A great deal has changed, impacting health, stress, toxins, diet, home life, daycare, and so much more. In a changing world we must keep making improvements for children and their families. The Maine Children's Growth Council plays a vital role in the health and wellbeing of our youngest citizens, yet the Chief Executive has all but defunded it. The Maine Children's Growth Council needs to be strengthened and empowered. Its efforts have been marginalized. Now Maine's families are paying the price. We know much more today about what factors contribute to or undermine good early childhood development, health, and success factors in later life, yet the Children's Growth Council has not been updated since 2007. Last session this Legislature and the Chief Executive passed a law that changed the size and membership and the expected experience of the old Lobster Promotion Council and, through those changes, formed the Maine Lobster Marketing Cooperative. Their annual report to the Marine Resource Committee yesterday was very impressive. Contrary to the Chief Executive's assertion in his veto letter, adding members and redefining the experience and talents board members bring to the work of a board can bring important and substantial change. So can setting expectations for planning, as the Lobster Marketing Cooperative and this bill both do. The Children's Growth Council agrees, and we agree, that it's time to make adjustments to their composition as well. Are you willing to stand

up for the future of Maine children as you were willing to stand up for improving the economic opportunities of Maine's lobster industry only a year ago? It's not really a difficult choice; in fact it's a simple matter. I'll be voting yes to override because if I could not bring myself to vote yes on this than I could not go home tonight and still say that I love my grandchildren and I truly care about Maine's children and young families. Thank you.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#506)

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

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

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

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Establish the Criminal Law Revision Commission" (EMERGENCY)

S.P. 700 L.D. 1765
(C "A" S-426)

In Senate, March 18, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-426)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-426) AS AMENDED BY HOUSE AMENDMENT "A" (H-741)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **JACKSON** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** on Bill "An Act To Facilitate Informed Planning for Higher Education and Careers"

H.P. 1253 L.D. 1746

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-743)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-743)**.

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

READ ONCE.

Committee Amendment "A" (H-743) **READ** and **ADOPTED**, in concurrence.

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

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 **Ought to Pass as Amended by Committee Amendment "A" (H-742)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-742)**.

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

READ ONCE.

Committee Amendment "A" (H-742) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Improve the Job Creation Through Educational Opportunity Program"
H.P. 1228 L.D. 1718

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-746)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-746)**.

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

READ ONCE.

Committee Amendment "A" (H-746) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act Regarding the Registration of Motor Vehicles of Deployed Members of the National Guard or Reserves of the United States Armed Forces"
H.P. 1241 L.D. 1733

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-747)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-747)**.

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

READ ONCE.

Committee Amendment "A" (H-747) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-748)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-748)**.

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

READ ONCE.

Committee Amendment "A" (H-748) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Protect Maine's Scenic Character"

H.P. 812 L.D. 1147

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

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook

Representatives:

HOBBS of Saco
BEAVERS of South Berwick
GIDEON of Freeport
HARVELL of Farmington
LIBBY of Waterboro
RUSSELL of Portland
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-738)**.

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

DUNPHY of Embden
NEWENDYKE of Litchfield

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

Reports **READ**.

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

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

Senator **CLEVELAND:** Thank you Mr. President. Members of the Senate, you will notice that this has a very strong Ought Not to Pass Report, a very bi-partisan Ought Not to Pass Report of 9

members of the committee. After carefully reviewing this, that majority was arrived at because of the contents of the bill and its impact on our Wind Energy Act. Let me just delineate briefly what the bill proposes to do. It proposes to add additional definitions on what scenic impact is, including combined observations and cumulative impact definitions. It further expands what's known as the Great Pond category, includes a number of additional ponds, quite a number that might have commercial sporting camps on them on which visual impacts would become affected. It provides for an additional 15 miles impact zone around certain scenic and natural areas within the state. It increases the additional impact from 3 miles to 8 miles on scenic resources of state and natural significance. It further increases it from 8 to 15 miles in other scenic resource areas and in some areas it increases it beyond 15 miles. Further, it adds another provision which actually is not at all related to scenic impact and a measure that this Legislature had previously defeated in our first session, which changes the appeal process from the law court, which is currently in the Wind Act, and changes it to the Superior Court for all appeals. When looking at this, it was not at all clear that the extent of all these wind visible impacts were necessary. What is clear is that it would encompass huge swath of the expedited wind area that would now be required to meet these much higher standards for the permitting process to go forward. It's also clear, by requiring the appeal process first to the Superior Court and then to the law court, that this was clearly intended to slow the process down in determining permitting for wind projects. We felt that this was not the intent of the act, was not helpful and constructive, nor was it appropriate for a committee to be able to determine the efficacy of all of these particular standards. This is something much more in tune to those at the siting process who know what the criteria are, who have experts available to them, and have done this for a long time as opposed to having a Legislature make these determinations. For those reasons, I would ask that you support the Ought Not to Pass Report.

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 Washington, Senator Burns.

Senator **BURNS:** Thank you Mr. President. Men and women of the Senate, I just wanted to speak very briefly to this. I'm going to be voting in opposition to the Majority here. I'm not against wind power. In fact I'm in support of alternative forms of energy. What I am concerned about is some of our most beautiful parts of the state that are being impacted, and potentially will be adversely impacted, by some of the farms. I think we have to keep a balance as to where we put these wind farms. Some of the areas that have already been designated as scenic spots of beauty such as an area, that I don't claim to be part of my district but I'm adjacent to, the so-called "Million Dollar View" up in Weston, just beyond Washington County. It's one of those places where there was a proposal to put a wind farm up in the view of an already designated scenic spot by this state. I'm very concerned about this. I think we need parameters so that we can balance the needs of the alternative energy to those of people who are already living in those communities and already in these spots of great beauty and grandeur. Consequently, I'll be voting against this. Thank you.

Divided Report

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, this bill, I think, has, or is already in law, has a lot of ability for people that are concerned about the natural beauty to be able to argue their case. For the most part, I think that a lot of these, this industry, have gone up in places that didn't harm people's idea of scenic beauty. What this bill does here seems to bring in a perception of what's in the eye of the beholder. It's rare, unfortunately, that I find myself on the same side as the Maine Forest Products Counsel. I was thinking the very same thing. I was thinking how was this going to affect people that actually log for a living. The Forest Products Counsel came in and actually spoke against this bill because they obviously see it as one step away from saying that the same thing was going to go for logging and that 8 miles was not far enough from scenic beauty. I just am very concerned about what this means to not only the wind industry but other industries. Like it said, there needs to be a balance. I think that 8 miles in most places is appropriate and in other places the department has the opportunity to look at the zoning and actually come to an understanding or an agreement with people that are against this. This certainly seems to make it even harder for an industry that I see as good in this state, and it's going to open up the door for a lot of our traditional industries to start having those same attacks too. That's why I pleasantly found myself on the same side as the Forest Products Counsel.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Cleveland 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 (#507)

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

NAYS: Senators: BURNS, CUSHING, LANGLEY, SAVIELLO, SHERMAN, YOUNGBLOOD

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **CLEVELAND** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Expand Benefits from Maine's Wind Resource"

H.P. 1282 L.D. 1791

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

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook

Representatives:

HOBBS of Saco
GIDEON of Freeport
RUSSELL of Portland
RYKERSON of Kittery
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-726)**.

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

BEAVERS of South Berwick
DUNPHY of Embden
HARVELL of Farmington
LIBBY of Waterboro
NEWENDYKE of Litchfield

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

Reports **READ**.

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

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

Senator **CLEVELAND:** Thank you Mr. President. I think this is one of those cases where the proponents thought they were going to make things better and it winds up making a mess, which was unfortunate. Let me explain to you what I mean. In this bill the proponents wanted to change a section in the Wind Act called the Goal Section. The original proposal in the bill was to delete the goals and insert these new goals. Instead what happened was that they didn't delete the current goals and just added these goals. The consequence is that it became very, very confusing. Let me just briefly tell you what the current goals are. The current goals are to produce 2,000 megawatts of electricity by wind by 2015; to produce 3,000 megawatts of electricity by 2020, 300 of

which would be coastal water winds; and 8,000 megawatts of electricity by 2030, 3,000 of which would be coastal waters. I don't disagree that those are very ambitious goals and might deserve some consideration given our current experience. However, instead of deleting those, what they've done is now add two additional goals. One is to expand the economic opportunities within the state, including an increase number of jobs in manufacturing, construction, and development of wind energy. Secondly to lower electricity prices for the state's residential, commercial, and industrial consumers. These seem sort of straight forward when you first look at them, but the difficulty is that they don't meet certain basic tests. Goals should always be very clear. They should be measurable. They should be achievable. What we've done here is created a mixed message. We've left the original goals, which has extraordinarily ambitious goals, and now we've added these additional requirements. Why does that matter? It matters because when we say to the agencies to which we delegate the authority and responsibility to implement our laws they look at what the Legislature told them they wanted to achieve. They look at our goals. Now we have goals that contradict one another, potentially. Further, the goals are not very clear. Let me take the first one of economic development and the increase of jobs in manufacturing. When you have the wind industry they are not creating new facilities to manufacture the components of the wind towers, the wind energy. That's not in their control. How would one measure if they were asked to say how will you increase manufacturing within the state of Maine? That's not something that the developers in the wind industry are in control over. How would you measure that? It just becomes a confusing effort to try to meet a goal that's not achievable. The other goal is to lower electricity prices for the state's residential and commercial industries. Well, lowering residential prices is not a function solely of wind. The prices are made up of a whole portfolio of various components; natural gas, hydro development, wind, solar, and many others. The difficulty is, let me give you an example that I've been talking to you about for two years now, when you have a constraint in the natural gas pipeline, we're not getting natural gas, it's driving up the prices dramatically. That has nothing to do with the wind industry. They can't lower prices within that particular area. Further, if they are talking about not prices but rates, that's a different subject. The rates are what the price of electricity is. Are we trying to lower them today or are we trying to lower them on the long-term? Does that achieve the goal? What if they actually have contracts and they are selling the electricity in other states and not in this state? They would not affect the rates in this state at all. They are going to a contract in another state. It also doesn't take into consideration anything other than prices. There may be additional benefits; economic development, which has been tremendous, particularly in the rural areas for the construction of these particular facilities. I would urge you to support the Ought Not to Pass Report because, though there may have been some intention to improve the goals, what they've done is really created a mess. They are not clear. It's a mixed message of what we want to accomplish and not measurable. The particular aspects of what they're asking to be measured can be measured in many different ways without any particular guidance. Rather than create further problems, I hope you will support the Ought Not to Pass Report.

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 (#508)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CLEVELAND** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Leverage Expert, State-based Resources for Emergent Intervention and Long-term Comprehensive Resource Protection of Lakes" (EMERGENCY) H.P. 1198 L.D. 1626

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-692)**.

Signed:

Senators:
DUTREMBLE of York
HASKELL of Cumberland

Representatives:
SHAW of Standish
BRIGGS of Mexico
EVANGELOS of Friendship
KUSIAK of Fairfield
MARKS of Pittston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-693)**.

Signed:

Senator:
BURNS of Washington

Representatives:

CRAFTS of Lisbon
DAVIS of Sangerville
ESPLING of New Gloucester
SHORT of Pittsfield
WOOD of Sabattus

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692) AS AMENDED BY HOUSE AMENDMENT "C" (H-750)** thereto.

Reports **READ**.

Senator **DUTREMBLE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)** Report, in concurrence.

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 (#509)

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

NAYS: Senators: MASON, SHERMAN, WHITTEMORE

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)** Report, in concurrence, **PREVAILED**.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **THIBODEAU** of Waldo, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#510)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-692) **READ**.

House Amendment "C" (H-750) to Committee Amendment "A" (H-692) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-692)As Amended by House Amendment "C" (H-750) thereto **ADOPTED**, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Law Concerning the State Cost-share Program for Salt and Sand Storage Facilities"

H.P. 1304 L.D. 1817

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-751)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-751)**.

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

READ ONCE.

Committee Amendment "A" (H-751) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Clarify Telecommunications Regulation Reform"

H.P. 1060 L.D. 1479

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-740)**.

Signed:

Senators:

CLEVELAND of Androscoggin
JACKSON of Aroostook
YOUNGBLOOD of Penobscot

Representatives:

HOBBINS of Saco
GIDEON of Freeport
HARVELL of Farmington
LIBBY of Waterboro
RUSSELL of Portland
RYKERSON of Kittery
TIPPING-SPITZ of Orono

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

Signed:

Representatives:

BEAVERS of South Berwick
DUNPHY of Embden
NEWENDYKE of Litchfield

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-740)**.

Reports **READ**.

On motion by Senator **CLEVELAND** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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

ENACTORS

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

Acts

An Act To Expedite the Foreclosure Process
H.P. 992 L.D. 1389
(C "A" H-734)

An Act To Amend the Motor Vehicle Franchise Laws
S.P. 544 L.D. 1482
(C "A" S-439)

An Act To Amend the Maine Medical Use of Marijuana Act
H.P. 1245 L.D. 1739
(H "A" H-732 to C "A" H-713)

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

Ordered sent down forthwith.

An Act To Decrease Costs and Disability Due to Mental Illness in Children, Adolescents and Young Adults

H.P. 975 L.D. 1367
(C "A" H-717)

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

An Act To Increase the Period of Time for the Calculation of a Prior Conviction for Operating under the Influence

H.P. 1237 L.D. 1729
(C "A" H-729)

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

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

ENACTORS

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

Acts

An Act To Strengthen Disclosure about Provider Networks in Health Insurance Plans to Consumers and Providers

H.P. 1199 L.D. 1676
(C "A" H-718)

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

Ordered sent down forthwith.

Senate at Ease.

Senate called to order by the President.

An Act To Improve Access to Oral Health Care

H.P. 870 L.D. 1230
(H "B" H-658 to C "C" H-589)

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

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

ENACTORS

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

Emergency Resolve

Resolve, Establishing the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast

H.P. 1174 L.D. 1602
(C "A" H-725)

On motion by Senator **JACKSON** of Aroostook, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

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

Senator **THIBODEAU** of Waldo 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.

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

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED**, until Friday, March 28, 2014, at 10:00 in the morning, in memory of and lasting tribute to Lt. Edward J. Walsh of Boston, Massachusetts and Firefighter Michael R. Kennedy of Holyoke, Massachusetts.