

# 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  
Wednesday  
April 9, 2014

Senate called to order by President Pro Tem Gary E. Plummer of Cumberland County.

Prayer by Reverend Mark Wilson, Pastor-Elect, First Congregational Church of Waterville UCC.

**REVEREND WILSON:** Good morning, folks. Let's pray together please. God of all nations and peoples, we name You with many names, or with none. We come from many different places but in You we are one. If the only prayer we ever said was "Thank you," that would be enough. So our prayer this morning is a simple "Thank you" to these folks who have gathered here on our behalf to do the state's business. May they share in the peace a sense of common purpose working for the common good brings. We thank You, Holy One, for Your wisdom, Your guidance, Your patience, Your love, and Your peace. Amen.

Pledge of Allegiance led by Senator Anne M. Haskell of Cumberland County.

Reading of the Journal of Tuesday, April 8, 2014.

Doctor of the day, James Hildebrand, MD of Orono.

Off Record Remarks

**COMMUNICATIONS**

The Following Communication: S.C. 902

STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS

April 8, 2014

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Appropriations and Financial Affairs has had under consideration the nomination of Richard T. Metivier of Lewiston, for reappointment to the Maine Public Employees Retirement System Board of Trustees.

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

|        |                 |   |   |
|--------|-----------------|---|---|
| YEAS   | Senators        | 3 | Hill of York, Cain of Penobscot, Flood of Kennebec  |
|        | Representatives | 8 | Rotundo of Lewiston, Chase of Wells, Frey of Bangor, Jorgensen of Portland, Keschl of Belgrade, Rochelo of Biddeford, Sanborn of Gorham, Winsor of Norway |
| NAYS   |                 | 0 |   |
| ABSENT |                 | 2 | Rep. Carey of Lewiston, Rep. Clark of Easton  |

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Richard T. Metivier of Lewiston, for reappointment to the Maine Public Employees Retirement System Board of Trustees be confirmed.

Signed,

S/Dawn Hill  
Senate Chair

S/Margaret R. Rotundo  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The President Pro Tem laid before the Senate the following:  
"Shall the recommendation of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#561)**

YEAS: Senators: None

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

ABSENT: Senator: JACKSON

EXCUSED: Senator: YOUNGBLOOD

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Richard T. Metivier** of Lewiston for reappointment to the Maine Public Employees Retirement System Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 904

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

April 8, 2014

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Barbara L. Raimondi of Auburn, for appointment as a District Court Judge.

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

|        |                 |   |  |
|--------|-----------------|---|--|
| YEAS   | Senators        | 2 | Valentino of York, Burns of Washington   |
|        | Representatives | 7 | Priest of Brunswick, Beaulieu of Auburn, Crockett of Bethel, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moonen of Portland, Moriarty of Cumberland |
| NAYS   |                 | 0 |  |
| ABSENT |                 | 4 | Sen. Tuttle of York, Rep. DeChant of Bath, Rep. Peavey Haskell of Milford, Rep. Villa of Harrison  |

Rep. Mitchell of Penobscot Nation was absent.

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Barbara L. Raimondi of Auburn, for appointment as a District Court Judge be confirmed.

Signed,

S/Linda M. Valentino  
Senate Chair

S/Charles R. Priest  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President Pro Tem 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 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#562)**

YEAS: Senators: None

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

Representatives 8  
NAYS 0

Herbig of Belfast, Campbell of Newfield, Gilbert of Jay, Hamann of South Portland, Mason of Topsham, Mastraccio of Sanford, Volk of Scarborough, Winchenbach of Waldoboro

ABSENT: Senator: HILL

ABSENT 3

Sen. Cleveland of Androscoggin, Rep. Duprey of Hampden, Rep. Lockman of Amherst

EXCUSED: Senator: YOUNGBLOOD

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

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of John C. Marsh, Jr. of Bath, for appointment to the Maine State Housing Authority be confirmed.

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

Signed,

S/John L. Patrick  
Senate Chair

S/Erin D. Herbig  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 903

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND  
ECONOMIC DEVELOPMENT**

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

April 8, 2014

The Doorkeepers secured the Chamber.

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

The Secretary opened the vote.

**ROLL CALL (#563)**

Dear Mr. President:

YEAS: Senators: None

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of John C. Marsh, Jr. of Bath, for appointment to the Maine State Housing Authority.

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

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

ABSENT: Senator: HILL

YEAS Senators 2 Patrick of Oxford, Cushing of Penobscot

EXCUSED: Senator: YOUNGBLOOD

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John C. Marsh, Jr.** of Bath for appointment to the Maine State Housing Authority was **CONFIRMED**.

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

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The Following Communication: S.C. 901

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

April 8, 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 Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1639 An Act To Fund Merit and Longevity Pay for Executive, Judicial and Legislative Branch Employees Pursuant to a Collective Bargaining Agreement (EMERGENCY)

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

Sincerely,

S/Sen. Dawn Hill  
Senate Chair

S/Rep. Margaret R. Rotundo  
House Chair

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

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The Following Communication: S.C. 900

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

**Letter of Transmittal**

Senator Justin L. Alford  
President of the Senate

Representative Mark W. Eves  
Speaker of the House of Representatives

The Honorable Paul R. LePage  
Governor of Maine

I am pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2013. This audit was conducted in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Our audit complies with 5 MRSA §243 and is also a prerequisite for the receipt of federal financial assistance. During fiscal year 2013, \$3.2 billion in federal financial assistance was received by the State of Maine.

This document contains the following reports and schedules:

- Independent Auditor's Report
- Basic Financial Statements, Management's Discussion and Analysis, Notes to Financial Statements, and Required Supplementary Information
- Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With *Government Auditing Standards*
- Independent Auditor's Report on Compliance for Each Major Program and on Internal Control Over Compliance Required by OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings and Questioned Costs
- Financial Statement Findings
- Indexes to Federal Program Findings
- Federal Findings, Questioned Costs and Corrective Action Plan
- Summary Schedule of Prior Audit Findings

On behalf of the Office of the State Auditor, I thank employees throughout Maine government who have assisted us during our audit.

Please contact me if you have questions or comments about the 2013 Single Audit of the State of Maine.

Respectfully submitted,

S/Pola A. Buckley  
State Auditor

March 28, 2014

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

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Off Record Remarks

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**SENATE PAPERS**

Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of the Town of Old Orchard Beach" (EMERGENCY)

S.P. 753 L.D. 1855

Presented by Senator VALENTINO of York.  
Cosponsored by Representative: MacDONALD of Old Orchard Beach.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator CAIN of Penobscot, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

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**ORDERS**

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

Meg Hatch, of Waterville, who is the recipient of an Advancing the Mission Award given by the Maine Coalition Against Sexual Assault. Ms. Hatch works for the Children's Advocacy Center of Kennebec and Somerset Counties and was presented the award for her contributions to MECASA's initiatives with regard to Children's Advocacy Centers. We send our appreciation to Ms. Hatch for her commitment to the citizens of the State and congratulate her on her receiving this award;

SLS 913

Sponsored by Senator LACHOWICZ of Kennebec.  
Cosponsored by Representatives: BECK of Waterville,  
LONGSTAFF of Waterville.

**READ.**

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

Senator LACHOWICZ: Thank you Mr. President. Ladies and gentlemen of the Senate, today I have the great pleasure of welcoming a friend and an amazing woman to our midst. Meg Hatch is from Waterville and I've known her for years because we've worked together at the Children's Advocacy Center. She is a forensic interviewer. She's one of those folks that has gone through the training so she can be the one that interviews children that have been sexually assaulted so they only have to be interviewed once. This traumatizes children less and it also increases the rate of prosecution. Just recently she was presented with an award for her contributions. She was given an award by the Maine Coalition Against Sexual Violence. I just can't appreciate her enough for what she does. She's also had a history of being a sexual assault response team advocate and she's provided education in her schools, and I think she's just a treasure to all of Kennebec and Somerset Counties and to the state of Maine. I want to thank her for being here today. Thank you very much, Mr. President.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT PRO TEM:** The Chair is pleased to recognize in the rear of the chamber Meg Hatch, the Children's Advocacy Program Manager; Donna Strickler, Executive Director; and Jenna McCarthy, Client Service Manager. Would those individuals rise and they are today the guests of the Senator from Kennebec, Senator Lachowicz.

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Sergeant Michael Hashey and Detective Jamie Slauenwhite, of Old Town, who have received a 2014 Real Heroes Award from the Pine Tree Chapter of the American Red Cross. Sergeant Hashey and Detective Slauenwhite saved the lives of 2 young children. While on duty at a standoff with 2 young children inside the house, Sergeant Hashey and Detective Slauenwhite were able to convince the man holding the children to release them. We extend our appreciation to Sergeant Hashey and Detective Slauenwhite for their commitment to the citizens of the State and congratulate them on their both receiving this well-deserved honor;

SLS 918

Sponsored by Senator CAIN of Penobscot.  
Cosponsored by Representative: DILL of Old Town.

**READ.**

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

Senator CAIN: Thank you Mr. President. Men and women of the Senate, we all know that law enforcement in our communities, often every day, do the work of good Samaritans. They show up when times are tough. They show up when people are in trouble. They do good work, do the right thing, work to protect people and keep them safe, and then don't ask for any praise or thanks. It's what they do every day as their job. It's what they love to do and they are very dedicated to it and we are fortunate to have such incredible law enforcement all across the state. Today we have

the privilege and honor of recognizing, from the Old Town Police Department, Sergeant Michael Hashey and Detective Jamie Slauenwhite. You can read in the sentiment, as I did in the Bangor paper, about their truly heroic efforts when they came upon a terrible situation in Old Town, when an Old Town man had fatally stabbed his pregnant girlfriend and sparked a police standoff. Inside the apartment were two young kids. Because of the work of Detective Slauenwhite and Sergeant Hashey and the skill and leadership and determination that they brought to that very difficult and scary situation, those two kids are safe. Those two kids are safe today because these officers protected them and they convinced the man to release the children in order to probably save their lives. Domestic violence happens all over our state and we talk about it a lot here in this Chamber and we have worked very hard to give our law enforcement more tools, but at the end of the day, whether we give them more tools or not, and we will continue to do that, it is men and women like Sergeant Hashey and Detective Slauenwhite who will show up day or night to be there for Maine families. It is my honor to honor them today for receiving the American Red Cross Pine Tree Chapter Real Heroes Award. They were awarded these honors last month and they are here today in the Chamber with us. I hope you will take a minute to give your thanks to the officers, to offer your appreciation for the work that they do, risking their own lives and saving the lives of others, in this case two very special and two very lucky kids in Old Town, Maine. It is my honor to host them today and to introduce you to them. Thank you, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. I appreciate the opportunity. I never want to miss the opportunity to publicly recognize my brother and sister police officers for the great accomplishments that they have in their career and I really want to thank the good Senator from Penobscot for bringing this forward before us. Nobody really realizes what these folks do except for maybe their families and their peers, so it's my honor to be able to congratulate them today. Thank you.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT PRO TEM:** The Chair recognizes in the rear of the chamber Sergeant Michael Hashey and Detective Jamie Slauenwhite of Old Town. They are the guests of the Senator from Penobscot, Senator Cain. Would the guests please rise and accept the greetings of the Maine Senate.

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### Joint Resolution

Joint Resolution in Memoriam:

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

Bill Knight, of Bangor, well-known citizen and troop greeter to the military personnel coming and going through the Bangor International Airport. Mr. Knight was a 32-year veteran of the Armed Forces and he estimated in 2011 that he had shaken hands with more than a half-million troops leaving for or returning from war in the Middle East. Former Chief Petty Officer Knight was featured in an award-winning 2009 documentary film, "The Way We Get By," about the Bangor Troop Greeters. He will be greatly missed and long remembered by his many friends and the thousands of people whose lives he touched;

SLS 914

Sponsored by Senator GRATWICK of Penobscot.  
Cosponsored by Representatives: FREY of Bangor, GOODE of Bangor, KORNFIELD of Bangor, SCHNECK of Bangor.

**READ.**

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

Senator **GRATWICK:** Thank you very much Mr. President. I wish to speak just very briefly to this Joint Resolution in memoriam to the Troop Greeters of Bangor and to Bill Knight in particular. This has been a remarkable group of people who, over the last 10 years, have been greeting both departing and returning troops from the Middle East. The Maine Troop Greeters' mission is to express the nation's gratitude and appreciation to the troops, for those going overseas for a safe return and for those returning for a joyful homecoming and to make their, hopefully brief, stay in Bangor as comfortable as possible. These men and women have been getting up at all hours of the day and night. There's a whole group that gets up at 3 o'clock in the morning. I think it's a great relief that there are no longer quite so many flights coming through, but Bill Knight, who was one of the major forces behind this initially, is now, alas, no longer with us but he'll be represented today by Jerry Mundy, by Chuck Knowlton, and by the Honorable Dusty Fisher who have come down from Bangor to accept this note of appreciation from us all. Thank you, sir.

**ADOPTED.**

Sent down for concurrence.

**THE PRESIDENT PRO TEM:** The Chair is pleased to recognize in the rear of the chamber Chuck Knowlton, Jerry Mundy, and the Honorable Dusty Fisher, Maine Troop Greeters. They are the guests of the Senator from Penobscot, Senator Gratwick. Would they please rise and accept the greetings of the Senate.

---

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **ALFOND** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Cumberland, Senator **PLUMMER** to his seat on the floor.

Senate called to order by the President.



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Off Record Remarks

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**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools" (EMERGENCY)

S.P. 340 L.D. 995

Reported that the same **Ought to Pass**.

Signed:

Senators:

MILLETT of Cumberland  
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay  
DAUGHTRY of Brunswick  
HUBBELL of Bar Harbor  
KORNFIELD of Bangor  
NELSON of Falmouth  
RANKIN of Hiram

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

Signed:

Senator:

LANGLEY of Hancock

Representatives:

JOHNSON of Greenville  
MAKER of Calais  
McCLELLAN of Raymond  
POULIOT of Augusta

Reports **READ**.

Senator **MILLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** 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** Report.

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later Assigned (1/21/14) matter:

SENATE REPORT - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Establish the High-efficiency Biomass Pellet Boiler Rebate Program and the Home Heating Conversion Fund"

S.P. 542 L.D. 1468

Report - **REFER** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**

Tabled - January 21, 2014, by Senator **HILL** of York

Pending - **ACCEPTANCE OF REPORT**

(In Senate, January 21, 2014, Report **READ**.)

Report **REJECTED**.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "B" (S-510) **READ**.

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Senate at Ease.

Senate called to order by the President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, following up on this Senate Amendment, the Energy and Utilities Committee had a bill that looked at this issue. It's the issue of using biomass to see if you can use thermal energy to get in the renewable energy portfolio. The committee did not feel comfortable at this point going ahead with that and so what this amendment does is it directs the PUC to do a study, come back to the 127<sup>th</sup> Legislature, to the Joint Standing Committee on Utilities, with their findings, to see if it possible. We know that New Hampshire is actually doing this currently and we feel that a lot of their work, the hard lifting has already been done so it's an appropriate time for Maine to at least look at if it's something that we want to do in this state.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "B" (S-510) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-510).**

Sent down for concurrence.

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Off Record Remarks

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The Chair laid before the Senate the following Tabled and Later Assigned (4/7/14) matter:

HOUSE REPORTS -from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Expand Consumer Choice for Wine"

H.P. 1276 L.D. 1783

Report "A" - Ought to Pass as Amended by Committee Amendment "A" (H-809)

Report "B" - Ought Not to Pass (6 members)

Tabled - April 7, 2014, by Senator **TUTTLE** of York

Pending - motion by same Senator to **ACCEPT** Report "B," **OUGHT NOT TO PASS**, in **NON-CONCURRENCE**

(In House, April 7, 2014, Report "A", **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-809) AS AMENDED BY HOUSE AMENDMENT "A" (H-813)** thereto.)

(In Senate, April 7, 2014, Reports **READ**.)

On motion by Senator **CLEVELAND** of Androscoggin, 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 rise today because I'm opposed to the Ought Not to Pass motion. The reason I'm opposed to the Ought Not to Pass motion is that I think this is a small business bill that can be readily crafted in this session before adjournment to allow an entrepreneur to start a very innovative business that will provide for new markets and jobs. The reason that we have the bill here is that this deals with creating a marketplace for auctioning fine wines from collectors and allowing an opportunity for a marketplace for those who wish to purchase fine wines, or collect fine wines for an investment, to be able to do that. Because it deals with alcohol it needs legislative approval to do so. I think when an entrepreneur comes to the Legislature and has a creative idea and wants to create a new marketplace and a new opportunity that we really have an obligation to do all we can

within our resources to try to accommodate that idea if it's a good idea as opposed to saying, "You now must wait another whole year before we can even consider your idea." If we're going to be open and receptive to businesses and entrepreneurs I think we need to recognize our responsibility to be responsive and timely in reacting to their request.

What does the bill do? It's really a pretty simple bill. It simply provides a legal basis by which individuals can auction fine wine only from collectors that are otherwise available on the marketplace to individuals who wish to buy them, either for investment or to consume them. In this bill they have carefully worked with the Bureau of Alcohol and Beverages and Lottery. They have listened to the issues and concerns. They have listened to the issues and concerns of the industry and they have carefully crafted a bill that would allow for the protection of the public and accountability for the sale of these items. They've mirrored the safety system in the so-called three tiered alcohol sales, where there is a separation between the manufacturer, the distributor, and the consumer. They've built in all of the same accountability. They've built in all of the same protections. They've built in all of the same enforcement that currently exists for the sale of alcohol to ensure that they are consistent with public safety and accountability in regards to the sale of alcohol. Further, you will find that this bill has been further improved because it includes a pilot so that it limits the opportunity for three years and it limits the number of licenses to three for two reasons. It reduces the resources necessary to do the enforcement so they are available by the department to do the enforcement that's necessary and it provides an opportunity, and requires, that it come back to the committee of jurisdiction for review within three years to see if this program works, to see if there are any issues that need to be dealt with at that time. Of course, if there are any issues any legislator could introduce a bill at any time during that period to correct them if there was any need to do it more quickly. As you see on the sheet that I had distributed, it speaks to the many issues that have been raised, including the fact that currently licensed auctioneers cannot auction alcoholic beverages and the department that oversees auctioneers said this is not in their purview. This is a requirement of the Alcohol and Beverage supervision.

I believe that if there is a desire to provide for an opportunity for this entrepreneur and this business to take hold we can address the issues. I will personally take responsibility, if I'm given the opportunity, and that's all I'm asking for, to give this entrepreneur and this marketplace an opportunity, to make any changes necessary before this bill is passed that meets all of the concerns. I think we can do that. All I'm asking for is the opportunity to allow an entrepreneurial idea and a new business and new marketplace to have the chance to show that it can meet and exceed all of the requirements necessary to safely and responsibly sell, auction, rare wines for collection or to restaurant or other businesses who want to use them. I would ask you to not support the Ought Not to Pass Report so that we could go forward in providing an opportunity for a business to grow in the state of Maine.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, it's very seldom that the good Senator from Androscoggin and I disagree, but we have a right to disagree but we are never

disagreeable. You have to realize that as the Chair of the committee I understand the concerns. I have always been one to promote the proper expansion of the industry in the state. There have been a number of bills that have been passed this time that I have supported. I will always do that, I think, in the best interest of the state. We have done many great things on this committee this year. We've completed a liquor contract that I think will go down in history as one of the better deals and I think that, as a committee, we have done the right thing. Unfortunately, I'm unable to support the bill in its present form.

This bill, as has been mentioned, establishes a license to be issued by the Bureau of Alcoholic Beverages and Lottery Operations which authorizes the person who is not a retailer or wholesaler licensed to sell wine or malt liquor in the state to auction fine and rare wines. This bill, as amended, is an exemption, as we say, to our three-tier system. The three-tier system is a policy that has historically been intended to address the negative social impacts of alcohol consumption. It provides for a method of efficient tax collection and provides accountability for violations under law. The current law provides for several exemptions of the three-tier system.

At the committee I had asked four questions that still remain unanswered. The first question: does the proposal provide a method so that a manufacturer or a supplier does not have excessive control or influence, shutting out competition and promoting abuse, of a product that provides the manufacturer with a profit? Question two: is there a barrier between the manufacturer and the consumer? Question three: does the proposal provide a way to ensure that the State can efficiently collect taxes? Does the proposal provide for accountability? Would enforcement be able to hold someone who violates the provision of the auction law accountable? As of yet those questions have not been answered. For that reason, I would ask that we would do the right thing and not support this bill. As most of you know, I'm a supporter of small business, I always have been, and the delivery of a statewide product, but I feel that the bill has not met the required criteria. That's why I would ask that you would support the pending motion. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to agreeably disagree with the good committee Chair, who I have a long friendship and a lot of respect for. I very seldom get up and agreeably disagree with him, of course. There comes times when a bill comes through our Body and it comes through the Legislative Council and comes to the Second Session and a committee looks at the bill. When the bill is trying to create something brand new, when a bill is trying to create a new industry that we don't currently have, and to create jobs that we don't currently have, and create markets that aren't available today, we have to look at those bills and try to work them the best we can and, at the end of the day, try to figure out how to answer those questions that the good Senator from York raised. Being on the same side of this debate with my good friend from Androscoggin, Senator Cleveland, and seeing how this really can benefit the state of Maine and really can show that we're here to create new jobs, new industries, new businesses, new opportunities that we don't have in the state of Maine today. It is very, very important, not only for the message, because often we send out messages and that's all they are. This is an

opportunity to actually send out more than a message. It creates something. I'm absolutely, adamantly against Report B, Ought Not to Pass. I would like to get through this vote and get us into a position where we can look at the report that I would rather look at, Report A, because it's about time that we put our votes where our rhetoric goes and create something that can work, create something that we can put in place. Believe me, the state of Maine has the technology and the fire in its belly to make these things happen. I'm not going to get very loud today, but this is one of those issues that we should all be standing on our feet and talking passionately about because the best welfare program I ever heard of was a good job. Today we're going to talk about welfare, but right now let's talk about a good job. Thank you very much, to my friends on both sides of the aisle, and please follow my vote on this. 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, whenever I have to follow Senator Gerzofsky it's always a challenge. Mr. President, I do stand in support of the current motion on the board. I would like to start my remarks by saying that this bill is not without merit. The Representative from the other Body, the Representative from Freeport, Representative Gideon, and her constituent have worked this bill very hard and that should not go unnoticed. This idea needs to be explored a little bit further. I have become a defender of the three-tier system since I started serving on the Veterans and Legal Affairs Committee and not because it creates perceived red tape or that it curbs drinking or that it controls liquor in the state of Maine, but because it is the system that we have in place that allows us to have a liquor contract that we use to do great things for the state of Maine over this 126<sup>th</sup> Legislature. Because we are a control state, the three-tier system is very important. In fact, it is the thread that keeps together our bond package that we have on the liquor contract and it creates a whole system of distributors in the state that is important to the economy. We have a system of distributors that are rightly concerned about an exception being written into law that undermines their business. If you look at this bill and you look at what this is trying to create, it is a new market for high end wine. That's great. If you look at the other states that do these kinds of auctions, states like New York and Massachusetts, you will find out very quickly that they are not control states. They don't have a separation between manufacturers, distributors, retailers, and consumers. An auction, in this case, would essentially become a distributor and a retailer all at the same time. That is a violation of the three-tier system. During the hearing we heard from BABLO, the alcohol and lottery operations that is right down the road here in Hallowell, that they oppose this bill. All three Senators, both Democrats and myself, have opposed this bill. The Maine Beer and Wine Distributors oppose the bill. All have agreed that this is a topic worth exploring. If we are going to start putting in exceptions to the three-tier system I think we have to tread very lightly. Alcohol is a completely different animal than any other market in the state of Maine. It is very regulated and we have made a ten year commitment to regulate that market going forward. If we are going to alter that state we need to do it very, very carefully. Mr. President and men and women of the Senate, I would urge a favorable vote on this report so that we can move along and work

on this bill in the interim with the Executive Branch and the members of the VLA Committee. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise in opposition to this bill knowing that this bill has merit. For one, I don't have the wherewithal to make a decision as to whether or not a bill is an emergency or not. For my estimation, this is not an emergency. We talk about jobs, jobs, jobs. Realistically, this probably will add three jobs if we allow this. I have twelve years on the Veteran and Legal Affairs Committee. I probably have been the only one year after year after year that is willing to take out a 12-1 report and be on the one side saying that I want to proceed with caution because through that time we've had all kinds of bills with breweries, micro-breweries, small breweries, distilleries where we made exceptions along the way, but I almost think there was never one bill that came before the committee that ever got passed because being a control state you have to make sure you have to dot all your I's and cross all your T's and have all the players have a say on these bills. It's not just like, "Oh, it's a good idea. We're going to let it rip." There are consequences being a control state.

I was there originally when we sold the liquor side of the business. I was there screaming and hollering that this was a bad deal. We lost 16 liquor control officers. We lost those. Now there is not very much enforcement as far as that goes. We've actually delegated it to other people and stuff. This doesn't really make a carve-out of the three-tier system. If you have a line of promotion in what the three-tier system is, this actually has one parallel outside the three-tier system, which in my estimation is even worse than that because we're not carving out. We would have two three-tier systems.

This bill probably, with the public hearing, had about one hour's worth of time on the committee. I will probably say it may have had 100 hours with the sponsor. I told her time and time again that I commend her for that. Mr. President, when you really take a look at it, what have we talked about during this whole session? I can agree with my colleague from Androscoggin, Senator Cleveland, because proceed with caution was what we talked about on many bills. Proceed with caution. We had bills before this Body or in the committee that I was on that a year and a half we spent on the bills. Yet it was said proceed with caution. That wasn't a control state issue. This is. I believe next session, when we have the opportunity to have this bill again, this bill will have a fair shake and I believe it will pass because of all your little micro-breweries and your small breweries and your large breweries. The committee hears what the need is and we act on it. We don't act just like the snap of a finger and say, "Wow, this is the greatest idea since sliced bread." Even if it is, we take the time to work the bill and give it its due diligence. Mr. President, I would ask everyone to follow my light and consider the Ought Not to Pass and bring this back next year and I'll be happy to work 100% with the sponsors on this bill and see if we can get something done. This is not the time. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I, too, wish to speak just very briefly. This is a pro-business, small business, entrepreneur bill. I've heard from three of the small wine distributors in Bangor. Two of the very small ones are against it. They feel that they have been successful entrepreneurs in the past. They have played by the rules and they think that this is undercutting them. It is giving a benefit to the new entrepreneurs where they have done a good job already. Thus, I'll be voting against this. I'll be voting for the Ought Not to Pass. Thank you, sir.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Tuttle to Accept Report "B", Ought Not to Pass, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#564)**

**YEAS:** Senators: BOYLE, BURNS, COLLINS, CUSHING, FLOOD, GRATWICK, HAMPER, HASKELL, JACKSON, KATZ, LACHOWICZ, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VITELLI, WHITTEMORE, THE PRESIDENT \_ JUSTIN L. ALFOND

**NAYS:** Senators: CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFOSKY, JOHNSON, LANGLEY, VALENTINO, WOODBURY

**ABSENT:** Senator: HILL

**EXCUSED:** Senator: YOUNGBLOOD

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **TUTTLE** of York to **ACCEPT** Report "B", **OUGHT NOT TO PASS**, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools" (EMERGENCY)

S.P. 340 L.D. 995

Majority - **Ought to Pass** (8 members)

Minority - **Ought Not To Pass** (5 members)

Tabled - April 9, 2014, by Senator **MILLETT** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report

(In Senate, April 9, 2014, Reports **READ**.)

On motion by Senator **MILLETT** of Cumberland, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

**READ ONCE**.

Senate Amendment "B" (S-514) **READ** and **ADOPTED**.

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Senate at Ease.

Senate called to order by the President.

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

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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

After Recess

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Increase Access to Quality Child Care"  
H.P. 1152 L.D. 1581  
(C "A" H-656)

In Senate, March 18, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY HOUSE AMENDMENT "A" (H-816)** thereto, in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Bill "An Act To Increase Integrity in the Temporary Assistance for Needy Families Program through Restriction of Expenditures"  
H.P. 1312 L.D. 1822  
(S "A" S-505 to C "A" H-787)

In House, April 3, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787)**.

In Senate, April 7, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787) AS AMENDED BY SENATE AMENDMENT "A" (S-505)** thereto, in **NON-CONCURRENCE**.

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

On motion by Senator **HASKELL** of Cumberland, the Senate **INSISTED**.

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**Non-Concurrent Matter**

Bill "An Act To Require the Department of Health and Human Services To Report Annually on Investigations and Prosecutions of False Claims Made under the MaineCare, Temporary Assistance for Needy Families and Food Supplement Programs" (EMERGENCY)

H.P. 1317 L.D. 1829  
(C "A" H-786)

In Senate, April 7, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-786)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-786) AND HOUSE AMENDMENT "A" (H-818)**, in **NON-CONCURRENCE**.

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

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**Joint Resolution**

The following Joint Resolution:

H.P. 1342

**JOINT RESOLUTION COMMEMORATING  
THE HOLOCAUST AND HUMAN RIGHTS CENTER OF  
MAINE'S LEGISLATIVE AWARENESS DAY AND YOM  
HASHOAH, THE DAY OF REMEMBRANCE**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered and died as victims of Nazism, such as persons who were handicapped, who were political dissidents and who were victimized based on their religion, race, ethnicity and nationality; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 27 through May 4, 2014 as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, April 28, 2014, and it is appropriate for the people of the State of Maine to join in this international commemoration and to take this opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, April 8, 2014 has been designated as the Holocaust and Human Rights Center of Maine's Legislative Awareness Day; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust and in honor of the survivors, rescuers and liberators, urge everyone to recommit themselves to the lessons of the Holocaust through the Holocaust and Human Rights Center of Maine's Legislative Awareness Day and the international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

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

**READ.**

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I think it is hard to miss an opportunity to take a moment of reflection when it comes to Yom Hashoah, the Day of Remembrance of the Holocaust. You are personally familiar, I know, from visitors who come to the State House, from stories, from movies, from history books and I think it's an important day to just take a moment and appreciate how far we have come as a society and as a world when it comes to how we believe we should treat other people, how we value diversity, how we value tolerance. I will tell you, just from brief experience, that the very emotional side, for me, of the Holocaust has come to life through travel; not just to the Holocaust Museum in Washington, D.C. but overseas. In college I had the opportunity to visit a concentration camp, to visit Auschwitz, and that was a bright sunny day, just like today. If the Senate windows were open you'd see blue sky, you'd see green grass, well sort of green grass here in Maine right now, but the day I visited Auschwitz was a bright sunny day and there were flowers and there was green grass and it didn't look like anything I could have ever imagined, having watched, whether it was Ann Frank or Schlinder's List. You don't think of places where such horrible things happened as bright and sunny and full of life and flowers. It was during that trip, as we visited the many horrible places inside those concentration camps, that we also heard stories of great strength, that we heard and were shown great examples of courage, whether it was an expression of the arts inside such darkness and hatred, or an expression of family love and determination because of love and because of friendship and because of family that gave someone the strength to get through horrors that I could not even imagine or begin to describe. I think it's important that we reflect. We reflect on our daily lives. We reflect in the way we value one another. We are able to show how much we have grown. How much our world has gone through can impact and still inform the priorities we set, the way we treat one another, and, ultimately, the direction we set, as leaders, for our state, for our country, and for our world. I think it's important to pause for a day of remembrance of Yom Hashoah and to reflect on these important values, these awful experiences that we have come through as a society, and still learn from them every single day of our lives. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, when I think about the Holocaust I would remind all of my colleagues that we actually have a wonderful tribute to what happened right here in Augusta, the Holocaust and Human Rights Center out near UMA. For those of you who have a spare afternoon while you're in town I commend it to you to visit. When I think about the Holocaust, Mr. President, I'm drawn to the words of Martin Niemoller. He was a Protestant pastor in the 1950s, 1960s and 1970s who emerged as an outspoken public foe of Adolph Hitler in his youth and who spent the last seven years of Nazi rule in a prison camp himself. I think the words ring powerful for all of us. "First they came for the Socialists, and I did not speak out because I was not a Socialist. Then they came for the Trade Unionists, and I did not speak out because I was not a Trade Unionist. Then they came for the Jews, and I did not speak out because I was not a Jew. Then they came for me and there was no one left to speak for me." Thank you, Mr. President.

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

Senator **SHERMAN:** Thank you Mr. President. I've been here for 16 years and when I first started here and campaigning I ran across the soldiers that were in the Houlton area. There were over 200 people that were in WWII. They were in their 50s and 60s then. There was a family of brothers who fought in Italy. They eventually moved into Europe. They were among the people who found the concentration camps. Three brothers. You could make a movie of it. They were forever, in a sense, changed because they never talked about it. I was going door-to-door, they were in their 60s and 70s, and began talking about what they saw. What that did to those young men, because some of them were 18 and 19 when they were drafted. I think the oldest was 22 or 23. They took another message away. The other message was, it was horrible what they saw. They came back and ran for town council and ran for committees, they mistrusted government. I've heard these stories and it's a horrible time, but they had this hate and was visceral about what governments, not just Germany, could do and did. That's another message that is now lost to history. There are very few WWII veterans left. I knew some of these guys personally. One of the guys, one of the brothers, had built his own coffin. He was a carpenter. He kept it in the garage. He built that when he was 23 or 24 years of age. Another one of them was at Anzio. We called him Clayton. He eventually ended up in Europe. For some of us old enough to talk to those veterans, if there are any of them left around, they're in their 80s and 90s now, there's another big lesson. What was done to them was horrible, terrible. It was also done by governments. I sometimes listen to us, here, and I kind of wonder where we're at and they wonder where they're at. Thank you very much.

**ADOPTED,** in concurrence.

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**COMMUNICATIONS**

The Following Communication: H.C. 410

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

April 8, 2014

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

Dear Secretary Grant:

The House voted today to insist on its previous action whereby it Indefinitely Postponed Bill "An Act To Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group" (S.P. 414) (L.D. 1177) and accompanying papers.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: H.C. 411

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

April 8, 2014

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

Dear Secretary Grant:

The House voted today to insist on its previous action whereby it accepted Report "B" Ought Not to Pass of the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace" (S.P. 664) (L.D. 1669)

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: H.C. 412

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

April 8, 2014

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

Dear Secretary Grant:

House Paper 753, Legislative Document 1060, "An Act To Lower Electrical Costs through Transmission Alternatives and Renewable Sources," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question:

"Shall this Bill become a law notwithstanding the objections of the Governor?"

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

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Process Regarding the Transfer of Students between School Administrative Units"  
H.P. 1336 L.D. 1852

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-815).**

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-815).**

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

**READ ONCE.**

Committee Amendment "A" (H-815) **READ and ADOPTED**, in concurrence.

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

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**Committee of Conference**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission"  
H.P. 435 L.D. 616

Had the same under consideration and asked leave to report:

That they are **Unable To Agree.**

On the Part of the Senate:

Senator CLEVELAND of Androscoggin  
Senator BOYLE of Cumberland  
Senator VITELLI of Sagadahoc

On the Part of the House:

Representative BEAVERS of South Berwick  
Representative TIPPING-SPITZ of Orono  
Representative DUNPHY of Embden

Comes from the House with the Committee of Conference Report **READ and ACCEPTED.**

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

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

**ENACTORS**

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

**Emergency Measure**

An Act To Support School Nutrition and Expand the Local Foods Economy

S.P. 517 L.D. 1431  
(S "A" S-495 to C "A" S-466)

On motion by Senator **HASKELL** of Cumberland, 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 (#565)**

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

NAYS: Senators: None

ABSENT: Senator: HILL

EXCUSED: Senator: YOUNGBLOOD



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

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**Emergency Measure**

An Act To Amend Certain Provisions of Inland Fisheries and Wildlife Laws

S.P. 662 L.D. 1667  
(C "A" S-474; H "A" H-806)

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

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**Emergency Measure**

An Act To Protect Maine Lakes

H.P. 1250 L.D. 1744  
(H "A" H-797 to C "A" H-781)

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

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**Emergency Resolve**

Resolve, Directing the Workers' Compensation Board To Further Study Improving Protections for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance

S.P. 736 L.D. 1833  
(C "A" S-491)

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

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**Acts**

An Act To Make Changes to the So-called Dig Safe Law  
S.P. 638 L.D. 1647  
(C "A" S-471)

An Act Regarding Bad Faith Assertions of Patent Infringement  
S.P. 654 L.D. 1660  
(C "A" S-442)

An Act To Further the Implementation of the Rockweed Fishery Management Plan

H.P. 1318 L.D. 1830  
(C "A" H-807)

An Act To Delay Implementation of the Maine Metallic Mineral Mining Act and Related Statutory Provisions

S.P. 750 L.D. 1851  
(H "A" H-799)

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

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An Act To Clarify Telecommunications Regulation Reform

H.P. 1060 L.D. 1479  
(C "A" H-740)

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

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An Act To Support Solar Energy Development in Maine

S.P. 644 L.D. 1652  
(C "A" S-473)

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

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An Act To Amend the Laws Governing Charitable Solicitations

H.P. 1291 L.D. 1799  
(H "B" H-804 to C "A" H-778)

On motion by Senator **HASKELL** of Cumberland, 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 Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I just wanted to let people know that last year there was an outcry from the wonderful business called the Red Barn about not being able to do charitable solicitations and that the Labor, Commerce, Research and Economic Development Committee had a bill to correct that problem and we worked across the aisle and made sure that the bill was taken care of and I just wanted to let people know that we heard them and that we took care of the issue. Thank you, Mr. President.

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

Senator **CUSHING**: Thank you Mr. President. Ladies and gentlemen of the Senate, I do want to concur with my good friend from Oxford that sometimes mistakes are made here and it's very good when the Legislature can do things to correct those. It was good work of the committee.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, Laura Benedict is a constituent in our district and the owner of the Red Barn. This comes under the category of no good deed goes unpunished. Ms. Benedict ran benefit supper after benefit supper after benefit supper that were, technically, in violation of the law. Thanks to everybody for making sure that she can continue to do that within the law.

**THE PRESIDENT**: The pending question before the Senate is Enactment. 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 (#566)**

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

NAYS: Senators: None

ABSENT: Senators: HILL, THIBODEAU

EXCUSED: Senator: YOUNGBLOOD

32 Senators having voted in the affirmative and no Senator having voted in the negative, with 2 Senators being absent and 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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An Act Concerning Meetings of Boards of Trustees and Governing Bodies of Quasi-municipal Corporations and Districts That Provide Water, Sewer and Sanitary Services

H.P. 1300 L.D. 1809  
(H "A" H-812 to C "A" H-798)

Senator **TUTTLE** of York rose to a **POINT OF ORDER**, stating that L.D. 1089 was a Municipal Mandate and would require a two-thirds vote for Enactment and requested a **RULING OF THE CHAIR**.

**THE PRESIDENT**: The Chair would advise the membership that, reviewing the bill, the Chair does not find anything in the bill that determines it to be a fiscal mandate and if the Senator does feel that this issue needs further review motions are before this Senator or any Senator.

The Chair **RULED** that, after reviewing the Bill, there was not anything in the Bill that determined it to be a Fiscal Mandate.

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

Senator **TUTTLE**: Thank you Mr. President. Therefore I would request that.

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

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An Act To Amend the Laws Governing the Process for Funding Virtual Public Charter Schools and Full-time, Online Learning Programs in the State

H.P. 1189 L.D. 1617  
(C "A" H-796)

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

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An Act To Clarify the Provisions of a Historic Preservation Tax Credit

S.P. 655 L.D. 1661  
(C "A" S-493)

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

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An Act To Encourage Charitable Contributions to Nonprofit Organizations

S.P. 659 L.D. 1664  
(C "A" S-492)

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

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An Act To Provide Property Tax Relief to Maine Residents

H.P. 1257 L.D. 1751  
(C "A" H-785)

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

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An Act To Increase the Deduction for Pension Income  
H.P. 1321 L.D. 1839  
(C "A" H-801)

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

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**Resolves**

Resolve, Directing the Department of Health and Human Services  
To Develop a Report with Data on Out-of-state Access to  
Temporary Assistance for Needy Families Program Benefits  
H.P. 1309 L.D. 1820  
(C "A" H-792)

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

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Resolve, To Develop a Process for Tax Expenditure Review  
H.P. 1048 L.D. 1463  
(C "A" H-800)

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

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

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

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

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

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Off Record Remarks

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Senator **THOMAS** of Somerset was granted unanimous consent  
to address the Senate off the Record.

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

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Senator **BURNS** of Washington was granted unanimous consent  
to address the Senate off the Record.

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

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

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

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Off Record Remarks

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