

# 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  
April 10, 2014

Senate called to order by President Pro Tem Richard G. Woodbury of Cumberland County.

Prayer by Rabbi Rachel Isaacs, Rabbi for Beth Israel Congregation and Jewish Chaplain at Colby College in Waterville.

**RABBI ISAACS:** Thank you for the great honor of bestowing blessing upon you today. May the wisdom of our past and noble aspirations for our future guide your actions today. May the great responsibility that you all share guide you in making decisions that strengthen the weak, satiate the needy, educate those thirsting for knowledge, and heal all those who are ill. May you use the power with which you have been entrusted to create a society that not only fulfills its basic obligations but also inspires us to be deeply proud and thankful of the space we share, a space that makes manifest our most cherished values: equality, justice, and compassion. May we all heed the warning of the Prophet Isaiah; "Woe to those who decree iniquitous decrees and the writers who keep writing oppression, to turn aside the needy from justice and to rob the poor of my people of their right," and instead fulfill the words set forth in the Book of Amos; "Seek good, and not evil, that you may live; and so the Lord, the God of hosts, will be with you, as you have said. Hate evil, and love good, and establish justice in your gate." As we approach the festivals of Passover and Easter, let us remember that justice and redemption can be achieved and that we must be partners in freeing those bound by hunger, illness, and desperation. May God bless you and keep you. May God shine the divine countenance upon you. May you be blessed with peace. May this day, a day created for our sake, be worthy of celebration. And let us say, Amen.

Pledge of Allegiance led by Senator Roger J. Katz of Kennebec County.

Reading of the Journal of Wednesday, April 9, 2014.

Doctor of the day, Sam Cady, MD of Yarmouth.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Regarding Compensation for the Panel of Mediators" S.P. 752 L.D. 1854

In Senate, April 7, 2014, REFERRED to the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT and ordered printed.

Comes from the House, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, in NON-CONCURRENCE.

Senator HASKELL of Cumberland moved the Senate RECEDE.

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

Non-Concurrent Matter

Bill "An Act To Reform Regulation of Consumer-owned Water Utilities"

S.P. 710 L.D. 1784  
(C "A" S-484)

In Senate, April 2, 2014, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-484).

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-484) AS AMENDED BY HOUSE AMENDMENT "A" (H-817) thereto, in NON-CONCURRENCE.

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

**THE PRESIDENT PRO TEM:** The Chair is pleased to recognize in the rear of the chamber Coach Rob Manter and the 2013 Championship Tennis Team from Brunswick; Ali Stankjewicz, Masie Silverman, Samiera MacMullen, Elizabeth Day, and Gillian Doehring. They are from the town of Brunswick and they are the guests today of the Senator from Cumberland, Senator Gerzofsky. Would the guests please rise and accept the greetings of the Maine State Senate.

Senator GERZOFSKY of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator GERZOFSKY: Thank you Mr. President. Ladies and gentlemen of the Senate, it's not often, but it is often, that all Senators get up at one time or another and congratulates our hometown folk for doing something special. Being State Champions a couple of years in a row is a pretty special thing to me and it is to all of us because we all have this opportunity to have people from home come and visit us and get recognized.

When I can bring in a group of such fine young people that are going to be credits to us going into the future and, hopefully, at some point will serve in this Body, I always try to get my kid to come up here to think of serving in their Chamber, I like to get up and say how happy I am, how proud I am to represent such nice people and to be able to get up in the Senate and say that. Thank you very much, Mr. President and ladies and gentlemen of the Senate.

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**THE PRESIDENT PRO TEM:** The Chair is pleased to recognize in the rear of the chamber Lieutenant Tom Reagan and his wife, Christine Reagan, and his mom, Helen Reagan. They are from Bangor and they are guests of the Senator from Penobscot, Senator Gratwick. Would the guests please rise and accept the greetings of the Maine State Senate.

Senator **GRATWICK** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **GRATWICK:** Thank you very much Mr. President. It's a great pleasure to be able to honor Lieutenant Tom Reagan of the Bangor Police Department. He has been 26 years on the Bangor Police Department force and has been integral to the drug prevention efforts in Bangor in terms of education. As we all know, Bath Salts has been a major problem over the last several years. Tom Reagan has been a resource throughout the state and I think you've read about him many times on this. He is one of the people that make me proud to be in Bangor. Bangor is one of the very safest cities of its size in the United States and adds, most assuredly, to our quality of life. Again, I'll congratulate Lieutenant Reagan. We have a Proclamation here which I'll give. Thank you, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, as I said yesterday, it's always a great honor to be able to stand and honor one of my brother officers. I congratulate the Lieutenant on his retirement and I just want to tell he and his family there is life after retirement.

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## ORDERS

### Joint Orders

Expressions of Legislative Sentiment recognizing:

Rabbi Rachel Isaacs, of Waterville, rabbi of Congregation Beth Israel in Waterville, who was named one of America's Most Inspiring Rabbis by the *Jewish Daily Forward*, a newspaper based in New York City. Rabbi Isaacs, who splits her time between the synagogue and Colby College, where she serves as chaplain and teaches, was one of more than 2 dozen men and women selected from hundreds of nominations. We extend our congratulations to Rabbi Isaacs on her receiving this well-deserved honor and we send her our best wishes;

SLS 919

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. Today I'd like to take the opportunity to have all of you meet someone that's an absolute gem in Waterville. Rabbi Rachel Isaacs is the rabbi of the Congregation Beth Israel in Waterville and recently she was named one of America's Most Inspiring Rabbis by the *Jewish Daily Forward*. I thought what I'd do is let you guys know a little bit about who did this. It was really her congregation, primarily a lot of young people, that wanted the country to really recognize that she was someone who had inspired more participation in her congregation and they found her just in general an inspiring person that they were getting a lot of spiritual guidance from. They call her an amazing mentor, an amazing leader, brilliant, kind, and funny. I think that's the kind of people that I like to hang out with. I would like to welcome her today and recognize this great accomplishment. Thank you very much, Mr. President.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT PRO TEM:** The Chair is pleased to recognize in the rear in the chamber Rabbi Rachael Isaacs of Waterville. She is the guest of the Senator from Kennebec, Senator Lachowicz.

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Doctor Norm Dinerman, of Bangor, who is the recipient of the Ronald D. Stewart Award presented by the National Association of EMS Physicians. The Ronald D. Stewart Award was named for Dr. Ronald Stewart, a Canadian physician who was the founder of modern emergency medical services in the United States. Dr. Dinerman is responsible for bringing LifeFlight to Maine. His career at Eastern Maine Medical Center has spanned more than 25 years. In addition to his duties as an emergency medical physician, he serves in many roles at EMMC, including medical director of EMMC's Transfer Center and medical director of LifeFlight of Maine. In 2012, he was named the Air Medical Physician Association's Medical Director of the Year. We extend our appreciation to Dr. Dinerman for his commitment to the citizens of the State and congratulate him on his receiving this award;

SLS 920

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 Mr. President. Standing twice today, Bangor is, indeed, delighted to have two of its fine citizens recognized. The second, or one might even say the first, although they might share the honor, is Dr. Norm Dinerman, who is here with us today. Dr. Dinerman has been an emergency room physician. He is a longstanding friend. He is a philosopher, a very thoughtful person, but he also gets things done. Dr. Dinerman is responsible for bringing LifeFlight to Maine, helicopters that I'm sure most of us have seen. If you live any place north or east of Bangor, and you have constituents who have had to get to Eastern Maine Medical Center or elsewhere, to Boston, in a hurry, you have Dr. Dinerman to thank for this extraordinary service they do for you. Dr. Dinerman is recently the recipient of the Ronald D. Stewart Award presented by the National Association of EMS Physicians, a great honor. It's a great pleasure to have Dr. Dinerman here to accept this award. Thank you.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT PRO TEM**: The Chair is pleased to recognize in the rear of the chamber Dr. Norm Dinerman of Bangor. He is the guest of the Senator from Penobscot, Senator Gratwick. Would he please rise and accept the greetings of the Maine State Senate.

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The 100th Anniversary of the founding of Lamey-Wellehan Shoes, of Auburn. Dan Wellehan and Charlie Lamey opened their first shoe store in 1914. Now with 6 locations, Lamey-Wellehan is known as "Maine's Family Shoe Store" and is still owned and operated by the Wellehan family. We extend our congratulations to Lamey-Wellehan Shoes on its centennial, and we send our best wishes for their continued success;  
SLS 922

Sponsored by Senator **CLEVELAND** of Androscoggin.  
Cosponsored by Representatives: **BEAULIEU** of Auburn,  
**BOLDUC** of Auburn, **WERTS** of Auburn.

**READ.**

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

Senator **CLEVELAND**: Thank you Mr. President. I'm very pleased today to be able to honor Jim Wellehan, owner of the Lamey-Wellehan Shoe Stores. This is the occasion of their 100<sup>th</sup> birthday. The store, started by his father and his partner, in 1914. They now have six stores throughout Maine with more than 100 associates and they had sales of more than \$11.5 million in 2013. Mr. Wellehan is also a very socially and community conscience individual. He's an ardent environmentalist. He has reduced the carbon footprint of his stores by 30% so far, including having put solar panels on his stores to help reduce the carbon footprint. He put in efficiency lighting and he recycles very adamantly. I can assure you that he stays in good contact with me in regards to energy and efficiency matters to make sure that I am well

informed on the prudent policies going forward with renewable energy. Beyond that, he's also a very compassionate man and very generous to the community in which he has lived for a long time. Mr. Wellehan became aware that in the area of Lewiston/Auburn that many of the very low income people didn't actually have money for shoes and so they were going with very worn out and unhealthy shoes. On his initiative, he has been collecting very gently used shoes at his facilities and giving them away, hundreds and hundreds of pairs of shoes, so that everyone who needs a pair of shoes will have one at his generosity. He's a wonderful member of our community and we congratulate him on this great occasion of this 100<sup>th</sup> anniversary of the business.

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

Senator **CRAVEN**: Thank you very much Mr. President. Lamey-Wellehan is, indeed, truly the Maine Family Shoe Store. Jim Wellehan is one of the kindest, wisest businessman and family man in Lewiston/Auburn. He's a wonderful employer, sells quality products, is a philanthropist, a compassionate contributor to low income families, but mostly he's a passionate environmentalist. The Wellehan family were among the first to set up their business on Lisbon Street in Lewiston and I have a special affinity for the Wellehan's and the Wellehan Shoe Store because they were among the Irish Famine immigrants that came to Lewiston and built the mills and built the canals and his family was one of the very, very first families that built their business on Lisbon Street and pulled themselves up by their bootstraps. Thank you, Mr. President.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT PRO TEM**: The Chair is pleased to recognize in the rear of the chamber Jim Wellehan of Auburn. He is the guest of the Senators from Androscoggin, Senator Cleveland and Senator Craven. Would he please rise and accept the greetings of the Maine State Senate.

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The Hampden Academy Boys Basketball Team, on its winning the 2014 Eastern Maine Class A Basketball Championship. We congratulate the members of the team on their achievement;  
SLS 921

Sponsored by Senator **CUSHING** of Penobscot.  
Cosponsored by Senator: **THIBODEAU** of Waldo,  
Representative: **DUPREY** of Hampden.

**READ.**

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

Senator **CUSHING**: Thank you Mr. President. Ladies and gentlemen of the Senate, today I have one of those distinct pleasures we have as elected officials, to honor the accomplishments of young people in our community. One of the pleasures we have as elected officials is the opportunity to

recognize people in our districts or communities who have accomplished noteworthy and memorable events in their life and today is one of those pleasures for myself and the good Senator from Waldo and I ask leave for a couple of moments to share with you a few of the highlights. Many of you who have been able to play on organized sports teams know that the valuable benefits that you derive from that opportunity, the chance to bond with some of your friends, your schoolmates, to learn skills that can be invaluable throughout your life, to be able to accomplish that satisfaction and the sheer pleasure of competing on a field of battle in a contest, winning that contest, and then shaking hands as worthy adversaries and moving on. I think those are some of the characteristics that we, who are parents or elected officials, hope will be engrained in young people as they're moving forward and going on to adulthood and pursuing careers and professions and perhaps, someday, even serving in an elected Body like we ourselves are in. Those are things that help you make the tough decisions when you are faced with them in life and I'm very pleased today to have the opportunity of recognizing the Hampden Academy Boys Basketball Team as the Class A Eastern Maine Champions. Just a couple of items that I want to share with you. They are led by a unique individual, a gentleman who we have had the pleasure of having coach Hampden boys for 11 years now. Coach Russ Bartlett has been able to mold his team, many of them here with us today, over the last three seasons into back-to-back winners of the Eastern Maine Class A Boys Championship and last year the State Championship. This year they continued on a winning streak that is somewhat rare in basketball. They accumulated 43, of the last two seasons, wins. There are members of this team who have only experienced one loss in their high school basketball career and that is commendable because it shows that not only were they a significant athletic team but they brought it together. I asked Coach what were some of the characteristics that were unique and he said their selfishness. To them the focus and the ultimate goal was to win, regardless of who scored the most points, but they also did a commendable job in demonstrating their skills and their abilities in the basketball world and to that I commend them and I thank you for the opportunity to share with this Body a fine group of young men from Hampden Academy. Thank you, Mr. President.

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

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise this morning excited to tell you about the Eastern Maine Class A Champion Hampden Academy Broncos. As an alumni, I couldn't be more proud of these boys and the accomplishments that they had. I know each one of us are incredibly proud of our communities that we represent and for our community watching night after night, as they routed the competition, and going home really pumped up and excited about the end game, made our community incredibly proud. Coach Bartlett has become a legend in the Hampden Broncos sports and the way he has coached the team over the past two years, two years of being undefeated in the regular season. Two years, that's amazing. When I went to school we were lucky if we were undefeated for two weeks, so we're really excited about that and with players like Zach Gilpin and Isaiah Best, not only were they tremendous athletes on the field but they were tremendous students and real great role models for all that were watching. I

know that our communities couldn't be prouder of these young men and I had the opportunity to talk to Coach Reed, now Representative Reed from the other Body, who was an absolute legend in high school basketball sports and he assures me that during the championship game if there had been a best of ten series there is no doubt that a Hampden Broncos would have won seven out of ten. Maybe we're going to put in a bill next time to do that. The other day President Alford had a small school from down in the Portland area up to be recognized as the State Champions and certainly they had a tremendous season as well. He presented me with a gift shortly after session ended and it was a t-shirt that I didn't think I was necessarily going get a lot of use from. It says something about the Portland, I don't know, what's that, some Bulldog thing. Anyways, I thought maybe, and I checked with President Alford just to make sure, I wasn't sure how I was going to be able to use this gift, but I thought maybe that if I was to present this to Coach Bartlett that he might maybe find a better use for it sometime, like a small smudge in the parking lot. Anyway, we're incredibly proud of our team. I know that President Alford is incredibly proud of the Portland team as well. I just appreciate the opportunity to recognize these boys. They are tremendous young men. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you Mr. President. I've always been taught, Mr. President, when you present something, if it's a difficult thing to talk about, you sandwich it between good things. I'll try to pick up from my colleague from Waldo County who did a masterful job of inciting the President. We'll probably never get another sentiment this session. In all seriousness, the only thing I did want to add is that this team had a tremendous year because they came together as a team. As a former high school basketball manager of a team, I recognize that the coaches bring something to it, but I also wanted to recognize that Max Moore and Drew Kelso are here with us today as part of that team. They are truly part of the team. If you don't have good managers you don't accomplish the greatest success you can. To all of those gentlemen who made this team a successful year, our compliments to you for your tremendous work.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT PRO TEM:** The Chair is pleased to recognize in the rear of the chamber the Hampden Academy Boys Basketball Team and their legendary Coach, Russ Bartlett, of Hampden. They are the guests of the Senators from Penobscot, Senator Cushing and Senator Thibodeau. Would they please rise and accept the greetings of the Maine State Senate.

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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 (2/11/14) matter:

JOINT ORDER - Expression of Legislative Sentiment  
Recognizing Zach Gilpin, of Hampden  
SLS 744

Tabled - February 11, 2014, by Senator **CUSHING** of Penobscot

Pending - **PASSAGE**

(In Senate, February 11, 2014, **READ**.)

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today on another positive event. As has been indicated, we have in the Chamber today Zach Gilpin who has many accomplishments in his career, one of which was the attainment of his 1,000<sup>th</sup> career point. I think you get the sense that these are some unique young men and he is physically head and shoulders above many of them due to his height, but he also has led in many areas. I'd just like to read for you, briefly, a few items regarding Zach. This was an article that was published in the Bangor Daily by Ernie Clark on March 23<sup>rd</sup>. Hampden Gilpin Perseveres Through Family Tragedy. The opening says, "Perhaps no basketball game during the last three winters epitomizes the fullness of Zach Gilpin's personality more than this year's Eastern Maine Class A final, yet the career high 38 points he scored while leading Hampden Academy past Oxford Hills of South Paris were but a modest part of the story. When an Oxford Hills fan tripped and struck his head on the floor just behind the Hampden bench, Gilpin and several teammates immediately went to offer help. In the aftermath of that victory, the 6' 5" All Maine Senior Forward handed out remnants of the championship net to some Hampden youth basketball players in attendance at the Augusta Civic Center. Zach said, "I knew if I was a little kid and a high school player offered me a piece of an Eastern Maine Championship net I would be really appreciative." Zach was also honored as the 2014 Gatorade Maine Boys Basketball Player of the Year. To do that, some of the criteria are athletic excellence, and I think that the record that he compiled at Hampden during his career speaks to that; high standards of academic excellence, his average grade point has been 3.37; an exemplary character off the court, that story I told you in the article, the work he has done with several charitable organizations, and coaching youth basketball speaks to the character of the young man who, in his life, he and his family have experienced some tragedies. A friend of mine once said something that I think epitomizes this young man, what happens in your life can either make you bitter or it can make you better. I think we see today before a young man who has turned some challenges in his life into some positives, for that I'm very pleased and I'm humbled to be able to honor him here today. Thank you, Mr. President, for the opportunity to address this.

**READ.**

Sent down for concurrence.

**THE PRESIDENT PRO TEM:** The Chair is pleased to recognize in the rear in the chamber Zach Gilpin of Hampden, the 2013-2014 Gatorade Player of the Year. He is the guest of the Senator from Penobscot, Senator Cushing, and the Senator from Waldo, Senator Thibodeau. Would he please stand and accept the greetings of the Maine State Senate.

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

JOINT ORDER - Expression of Legislative Sentiment  
Recognizing the Cape Elizabeth High School Speech Team  
SLS 784

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

Pending - **PASSAGE**

(In Senate, March 12, 2014, **READ**.)

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

Senator **MILLETT:** Thank you Mr. President. Women and men of the Senate, I am pleased to rise this morning to also recognize accomplishments of a wonderful group of young Maine citizens. This is an impressive group of poised, sharp-minded, and quick witted individuals. We often recognize athletic feats in this Body, but today we are also going to be recognizing the feats of forensics. Forensics is derived from the Latin term for "ensis" and closely related to forum. It is the art or study of argumentation and formal debate. The Greeks organized contests for speakers that developed and recognized the abilities their society felt central to democracy. Participating in speech helps to develop skills and critical thinking, research methods, organization, language use, listening, teamwork, and public speaking. We are joined today by the 2014 State Champion Cape Elizabeth High School Speech Team and their coaches, Dick Mullen and Lisa Melanson. The competition included dramatic interpretation, duo interpretation, ensemble, extemporaneous speaking, humorous interpretation, oratorical declamation, original oratory, original works, poetry, and storytelling. For five years in a row, the Cape Elizabeth High School team has captured this state title. I would imagine they could impart a great number of tips and suggestions for members of this Body. It is my hope that among the team members here today are future legislators who will bring their skills and passions to the Senate and the House. Congratulations to the team and coaches and I wish them great success in their future endeavors. Thank you, Mr. President.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, life works in strange ways. I really don't know much of anything about the Cape Elizabeth Speech Team, although I certainly congratulate them, but it's not often that one gets to publicly thank someone who played an important role in your life. Today I have that opportunity because the coach of the Cape Elizabeth Speech Team was, as the good Senator indicated, Dick Mullen. Dick Mullen is the best teacher I ever had. He was my 6<sup>th</sup> grade teacher many years ago and he is still pursuing his love of education, even at his age now. I hope that his current students realize how extraordinarily lucky they are to have him in their lives as I did. Thank you, Mr. President.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT PRO TEM**: The Chair is pleased to recognize in the gallery the Cape Elizabeth Speech Team with their coach, Dick Mullen. They are the guests of the Senator from Cumberland, Senator Millett. Would they please rise and accept the greetings of the Maine State Senate.

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## ORDERS

### Joint Resolution

On motion by Senator **KATZ** of Kennebec (Cosponsored by Representative **KESCHL** of Belgrade and Representative **KUSIAK** of Fairfield), the following Joint Resolution:  
S.P. 754

### JOINT RESOLUTION TO RECOGNIZE THE 94TH ANNIVERSARY OF TURKISH NATIONAL SOVEREIGNTY AND CHILDREN'S DAY

WHEREAS, the State of Maine has become home to different cultural, ethnic and religious groups of people, all who are proud of their heritage and who celebrate the richness of their cultures; and

WHEREAS, in honor of the people in our State who are Turkish-American, we take this time to celebrate the 94th Anniversary of Turkish National Sovereignty and Children's Day on April 23, 2014; and

WHEREAS, every year on April 23rd, over 500,000 Turkish-Americans celebrate Turkish National Sovereignty and Children's Day, which is an official holiday in the Republic of Turkey dedicated to the children of Turkey and, since 1979, the children of the world; and

WHEREAS, on April 23rd, 94 years ago, the Grand National Assembly of Turkey was established as the Turkish parliament in order to realize the aspirations of the Turkish people for freedom, justice and peace; and

WHEREAS, observed for the first time in 1921 as Turkish National Sovereignty Day, April 23rd has also been celebrated since 1927 as Children's Day to signify the role of future generations in the realization of the Turkish dream for peace, progress and prosperity; and

WHEREAS, modern Turkey is the world's only predominantly Muslim secular parliamentary democracy, is among the fastest-growing emerging markets in the world and remains an important United States and NATO ally in a vast region stretching from Eastern Europe and North Africa to the Middle East and Central Asia; and

WHEREAS, since its establishment, the Republic of Turkey has demonstrated its commitment to the universal values of liberty, justice, democracy and tolerance as well as to its long-term strategic alliance with the United States; and

WHEREAS, over 5,000 Turkish soldiers took part in the Korean War and over 700 of them fell as heroes fighting alongside the Americans; and

WHEREAS, since 1952, Turkey has been a key NATO member and a major contributor to alliance missions, including most recently operations in Kosovo and Afghanistan; and

WHEREAS, Turkish-Americans have contributed to the diverse cultural spectrum of our State and Nation, and to America's advancement in the fields of business, science, medicine and technology and the arts; 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, take this opportunity to join Turkish-Americans and members of the Turkish Cultural Center Maine and the Council of Turkic American Associations in celebration of the 94th Anniversary of Turkish National Sovereignty and Children's Day on April 23, 2014.  
**READ and ADOPTED.**

Sent down for concurrence.

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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 **WOODBURY** 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**

**House**

**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine (EMERGENCY) H.P. 1343 L.D. 1856

Reported that the same **Ought to Pass**, pursuant to Public Law 2011, chapter 699, section 3, subsection 5.

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  
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 To Pass as Amended by Committee Amendment "A" (H-821)**, pursuant to Public Law 2011, chapter 699, section 3, subsection 5.

Signed:

Representative:  
RUSSELL of Portland

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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

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**Senate**

**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Require the Commission on Governmental Ethics and Election Practices To Make Public Declarations following a Determination of a Campaign Statement's Falsity"

S.P. 737 L.D. 1834

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

Signed:

Senators:  
TUTTLE of York  
MASON of Androscoggin

Representatives:  
LUCHINI of Ellsworth  
BEAULIEU of Auburn  
FOWLE of Vassalboro  
KINNEY of Limington  
LONGSTAFF of Waterville  
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 To Pass as Amended by Committee Amendment "A" (S-513)**.

Signed:

Representative:  
RUSSELL of Portland

Reports **READ**.

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

Sent down for concurrence.

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**Divided Report**

Eleven members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide Additional Authority to the State Board of Corrections"

S.P. 730 L.D. 1824

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-511)**.

Signed:

Senators:  
GERZOFKY of Cumberland  
DUTREMBLE of York  
PLUMMER of Cumberland

Representatives:

DION of Portland  
CASAVANT of Biddeford  
KAENRATH of South Portland  
LAJOIE of Lewiston  
MARKS of Pittston  
PEASE of Morrill  
PLANTE of Berwick  
TYLER of Windham

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-512).**

Signed:

Representative:

WILSON of Augusta

One member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass.**

Signed:

Representative:

LONG of Sherman

Reports **READ.**

Senator **GERZOFSKY** of Cumberland moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511).**

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511).**

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**Divided Report**

Eleven members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Process for the Implementation of Universal Voluntary Prekindergarten Education"

S.P. 577 L.D. 1530

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-508).**

Signed:

Senators:

MILLETT of Cumberland  
JOHNSON of Lincoln  
LANGLEY of Hancock

Representatives:

MacDONALD of Boothbay  
DAUGHTRY of Brunswick  
HUBBELL of Bar Harbor

JOHNSON of Greenville  
KORNFELD of Bangor  
NELSON of Falmouth  
POULIOT of Augusta  
RANKIN of Hiram

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-509).**

Signed:

Representative:

MAKER of Calais

One member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass.**

Signed:

Representative:

McCLELLAN of Raymond

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports Report "A", **Ought To Pass as Amended by Committee Amendment "A" (S-508).**)

Reports **READ.**

On motion by Senator **MILLETT** of Cumberland, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-508)** Report **ACCEPTED.**

**READ ONCE.**

Committee Amendment "A" (S-508) **READ.**

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-508).

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

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

Tabled - April 10, 2014, by Senator **KATZ** of Kennebec

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-508)**

(In Senate, April 10, 2014, Reports **READ**. On motion by Senator **MILLETT** of Cumberland, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-508)** Report **ACCEPTED. READ ONCE**. Committee Amendment "A" (S-508) **READ**.)

On motion by Senator **MILLETT** of Cumberland, Senate Amendment "A" (S-518) to Committee Amendment "A" (S-508) **READ**.

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 Cumberland, Senator Millett.

Senator **MILLETT:** Thank you Mr. President. Women and men of the Senate, I rise in support of L.D. 1530. It is in the earliest years of a child's life that he or she builds the foundation upon which learning is built and developed. Advances in neuroscience, molecular biology, and genomics now gives us an improved understanding of how early experiences are built into our bodies and brains. As reported by the National Scientific Council on the Developing Child, the quality of a child's early environment and the availability of appropriate experiences at the right states of development are crucial in determining the strength or weaknesses of the brain's architecture, which in turn determines how well he or she will be able to think and to regulate emotions. These capabilities strongly influence their chances of becoming healthy and productive members of our society. Public Pre-K is an important approach to providing our children these critical experiences. This bill before us, as amended by the Senate Amendment, helps more of our schools offer voluntary Pre-K programs by making available start-up funds to interested districts. Currently, Maine funds public Pre-K programs through the Essential Programs and Services Funding Formula, but after students enroll it takes two years for a district's state subsidy to fully catch up. Because many districts cannot afford to fund 100% of the first two years costs, they forego this important early learning program. We heard testimony in the Education Committee from Major General Earl Adams of Mission Readiness, United Way Senior Vice-President Dan Coyne, and Colonel Mark Westrum, Correctional Administrator of Two Bridges Regional Correctional Authority and Fight Crime - Invest in Kids, urging us to invest in high quality early learning programs as an important crime reduction strategy, as a down payment on a future productive workforce, and, in the words of Major General Adams, as essential to the future of our country. In addition, early childhood programs are smart investments. Elevate Maine, which is a partnership between Maine Early Investment Group, a group of business leaders, and Educare Central Maine, makes the following case statement, "Human capital is, and always will be, one of Maine's greatest natural resources. Wise investments in human capital development increases workforce capacity, raises productivity and social cohesion to assure Maine's economic competitiveness in a global economy. Specifically, return on investment in early care and education yields a range between \$7 and \$16 for every dollar invested." Our education, social service, law enforcement, military, and business leaders are urging us to make this important investment. Our schools are ready. Our

teachers are ready. The Department of Education is ready. Now is the time for action. I urge you to join me in supporting L.D. 1530. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I have a question, actually, for the President. Mr. President, when your first child came home from the hospital, how terrified were you, that you were going to be able to do this job? I know I was extremely terrified when our first child came home, that I would know anything about how to raise children. I thank God that my wife had much more of a clue than I did, and one of those was making sure that our children went to the Sunshine Nursery School and what I saw happens there. My wife has a degree in education from the University of Maine and read to them every single night and all the kinds of things that parents do. I give credit to where my kids have ended up today because of the Sunshine Nursery School in Ellsworth. What a great start to life that they had; guided play, making friends, learning how to socially interact. It's the kind of thing that I'd like to see that all of our children in Maine have that access to, regardless of their income levels. The good Senator, our Chair, gave you a long list of the facts and all the research, but a couple of things that really hit home to me in our testimonies that have really kind of stuck, and I won't talk long. The simple issue of vocabulary. Students who enter school from low income families have heard roughly about four million words when they enter school. Students who went to school from middle class families have heard roughly about twenty-six million words. Those students who come from high income families with high education have heard about forty-three million words when they enter school. It's that kind of a disparity that you're trying to mitigate and try to help with. For those reasons, and a whole host of other reasons, I'm supporting this piece of legislation. Thank you very much.

**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 also in support of L.D. 1530. It is no secret, I was a pre-school teacher with the Head Start Program in my early years and spent my days among eager, energetic 4 and 5 year olds. It was a great learning experience for me, as well. I learned a lot about poverty in rural Maine, but I also learned patience, persistence, and what is now referred to as grit for success in the face of adversity. In describing the benefits of my pre-school experience, I've often borrowed the phrase from a popular book title some of you may remember, Everything I Need to Know in Life I Learned in Pre-Kindergarten. Not long after I began working with grown-ups I was reminded of the truth of this statement. I was at a meeting with a colleague and a friend who let us know, as we sat down to design a program to support entrepreneurs, that she expected that we would all get along, share our toys, and play well together, and for the most part we did. What we learn in our lives early contributes directly to our abilities as adults, shapes our opportunities, and influences our later success. The science is there. We've heard some of that from the Chair of the committee, Senator Millett.

The bill before us today establishes a goal of ensuring that every 4 year old in Maine has the opportunity to attend a quality

public pre-school program. It uses revenues that provide start-up grants to districts not currently operating a pre-school, especially those districts serving high percentages of low income children. It was mentioned already, only 60% of school districts in Maine currently offer some form of Pre-K, and less than one-third of our 4 year olds are enrolled in a public Pre-K program. It established a stakeholder group to develop quality standards, best practices, and common assessments. In submitting plans for pre-school programs, districts are encouraged to collaborate with public and private community resources, such as Head Start, in order to best serve the needs of children and parents. It provides funding for a position in the Department of Education to oversee early childhood education programs.

Universal Pre-K does cost money, but as Mark Westrum, the former Sagadahoc Sheriff and current Administrator at Two Rivers Jail, explained, we are already spending that money. We are just spending it on the other end; on prisons, public assistance, remedial education, and other social costs. In a recent national survey of police chiefs, over 80% ranked investing in early childhood education as the top strategy for reducing crime. The lifelong benefits in investing in early education are significant. According to the University of Southern Maine Professor Philip Trostel, early childhood education leads to a measurable increase in academic achievement, educational attainment, employment and health. Early education works. I've seen it in my own community, where the Choices Program, a partnership between RSU 1 and local community providers, offers access to quality developmentally appropriate pre-school programs to all 4 year olds in the community. Since 2006 this public/private partnership has had an impact on our community. About 80% of 4 year olds are enrolled and they are exceeding expectations. A February 2012 assessment found that Choices students performed at or above expectations in every category. It has been said, and I'll say it again, investing in quality early education is an investment in our state's future and our children's future. We are stronger as a community and a state when we give every child a greater opportunity to succeed. I'll end by quoting Dana Connors and his partner in the [Bangor Daily News](#) today, "Investment in early childhood is real economic development. It is not just a social and moral imperative, it is an economic imperative." Pre-K is a strong step in that direction. I urge your support. Thank you.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise with some trepidation to be a naysayer on this particular bill. I do appreciate all the work that has gone into this and I don't diminish the value of early education, but I think this bill, Mr. President, is wrongly focused. I think we need to focus more attention upon the responsibilities of families. I don't think that we're going to accomplish what we want to accomplish and I would have to somewhat take issue with some of the things that were said. I don't think we're going to solve our institutional problems, as far as corrections are concerned, by focusing on this end of the spectrum in the way that it's being proposed here. I have seen first-hand the results of good input, early education, done by parents. Not only didn't attend pre-school but they were homeschooled throughout most of their primary and secondary education. They were well-rounded, well educated, and all these aspects that we proclaim

and to go on to achieve today. I just don't think that by taking more and more responsibility away from Moms and Dads, and putting it in the hands of the community and the state, is the right way to go. I will be voting against this. Thank you.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I never get up and debate on education issues, Mr. President. I usually try to keep it strictly in the confines of my committee and what we do. The one thing I've learned, if nothing else, whether I'm going to forums around the country or I'm right here in Maine, talking to law enforcement, talking to corrections, talking to juvenile justice, the one thing I've learned is a dollar spent in Pre-K saves me \$10 in an institution 20 years later. We can put our money up front and get a bang for it and really make a difference in people's lives or, Mr. President, we can do what we've done, what we've done and done and done, and put that money at the back end and try to fix what we should have fixed at the beginning. We'll be fixing broken people at the end but we could be saving lives at the beginning. Mr. President, I've learned, going around this country, I've learned in this state, I've learned in my committee the last 14 years, the best way to be able to deal with our budget problems in corrections is to get ahead of it in Pre-K. I don't care what town you come from in the state of Maine, I don't much care what part of the region, it's the same. Put the investment at the beginning of a life because it's so much cheaper and it's harder to do it at the end or in the middle. Ladies and gentlemen, I hope that we're going to think about our future today and think about where we're going to put our limited resources and how we're going to do it and how we're going to encourage our schools and our towns and our communities and try to do it the right way. We've learned it all over the country. We should be doing what's right and that is what's right. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I wasn't planning on speaking on this because I know the abilities of other Senators who are planning to speak, but I feel I must respond to one point. This is not a bill that makes mandatory attendance in a Pre-K program. This is entirely optional. If parents can offer what they want to offer their child at home they are welcome to do so, but for parents who could use that help, for parents like those involved in the program in Waterville for Pre-K in which the program actually works with the teachers with parents, understanding how to best support their child's development at home, as well as in the Pre-K program, this is a vital aid to those parents, being the sort of parent they want to be. This is the sort of opportunity we should provide every family, to have such an agency for the child and that supports their development well and that strengthens their family, that strengthens their parent's knowledge and ability to support their own child's development in the way that they so desperately want to. Thank you.

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

Senator **LACHOWICZ**: Thank you Mr. President. Men and women of the Senate, I, like Senator Johnson, was not going to get up and speak because I knew my Senate colleagues were more than able to talk about this issue, but Senator Johnson did mention the Pre-K program in Waterville so I thought I'd get up and speak a little bit about that because Educare in Waterville actually wants to expand on account of what they've discovered and how they do their work working with parents beyond the walls of that facility. As the good Senator from Lincoln pointed out, there's nothing in this bill that says that someone is obligated to send their child to this, but it is an option for many families that are working many jobs, that don't have a lot of money, that they can bring resources into their family so that they can have the benefit of helping make their child the most successful they can be. I can't stress enough that that's really important in these times. Thank you very much.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Millett to Adopt Senate Amendment "A" (S-518) to Committee Amendment "A" (S-508). 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 (#567)**

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

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

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **MILLETT** of Cumberland to **ADOPT** Senate Amendment "A" (S-518) to Committee Amendment "A" (S-508), **PREVAILED**.

Committee Amendment "A" (S-508) as Amended by Senate Amendment "A" (S-518) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-508) AS AMENDED BY SENATE AMENDMENT "A" (S-518)** thereto.

Ordered sent down forthwith for concurrence.

Off Record Remarks

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:

**Emergency Resolve**

Resolve, To Establish the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula

H.P. 1335 L.D. 1850  
(S "B" S-504)

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

**Acts**

An Act To Implement Recommendations of the Right To Know Advisory Committee

H.P. 1311 L.D. 1821  
(C "A" H-811)

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

An Act To Retain Call Centers in Maine

S.P. 676 L.D. 1710  
(C "A" S-420; S "A" S-501)

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

**Resolve**

Resolve, Regarding Metallic Mineral Exploration, Advanced Exploration and Mining

H.P. 1270 L.D. 1772  
(H "A" H-776 to C "A" H-769)

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

**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Assigned (4/9/14) matter:

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)

Tabled - April 9, 2014, by Senator **JACKSON** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798) AS AMENDED BY HOUSE AMENDMENT "A" (H-812)** thereto, in concurrence.)

(In House, April 8, 2014, **PASSED TO BE ENACTED.**)

On motion by Senator **TUTTLE** of York, 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, Maine's Freedom of Access Act is silent on the question of whether members of a public entity governing board may participate in meetings from a remote location. The most recent opinion cited by Maine's Attorney General addressed a 1979 case where a board of county commissioners held an unannounced vote entirely by phone. No one denies that type of remote meeting is problematic, but L.D. 1809 goes so far as to explicitly prohibit mere participation without voting by remote means for all public entities except water and sewer boards, all without a single example having been presented of a specific complaint from the public or lack of access to members of the public governing boards due to those members participating remotely. The fast pace of technological development has removed barriers that in the past may have impeded public access to meetings of governing boards, of governmental and quasi-governmental entities. Most of Maine's municipalities are governed, as we know, by three member select boards. It is foreseeable that such boards may be paralyzed by a lack of quorum due to unforeseeable circumstances if remote participation is prohibited. Members of these governing boards do not typically participate remotely, but may need to do so under certain circumstances, aside from emergency situations. A real life issue exists for island towns, covering several islands, as mentioned in previous debate, and select board members on the mainland. Island planning boards that will no longer be able to work on applications without the applicant present, even though the applicant may reside in another state. An appropriate balance must be found between the need of governmental entities to conduct meetings in order to serve the public and the need of the public to freely access their governing board's members. This bill presents a sledgehammer approach where a scalpel, or even a regular hammer, is warranted. Great progress has been made with respect to

video/audio conferencing technologies since 1979. Its use is reasonably defined. Limited circumstances. It is not at odds with Maine's Freedom of Access Act. The Judiciary Committee heard a bill last year, L.D. 258, that set reasonable standards on remote participation. The Maine Municipal Association and other public entities, such as school boards, supported this legislation and the committee has not yet articulated a clear reason why the highly limiting and discriminatory approach taken by L.D. 1809 was rushed through at the end of the session when a more carefully crafted and broadly supported bill was already available as a vehicle to address this issue. It is for that reason that I respectfully request that you would vote against Enactment. Thank you, Mr. President.

**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 very briefly. I'm not sure whether or not we should go through the entire debate again. I know we had a very lengthy debate last time. We did have a roll call on the bill. The bill was successful to move forward with the majority of this Body voting to pass the bill. It was a very strong report coming out of committee. The report was 12-1. The good Senator from York was the one against the bill. Everybody else was for the bill. We had a lot of testimony on this. We've worked it. We have narrowed it down. It really comes down to, I guess, what you believe the weight of the committee is who worked the bill. The twelve people who voted for the bill, one person. It's almost two sides. The twelve people on the committee are taking the side of the Attorney General and one person is taking the side of Maine Municipal Association. It's two lawyers against each other interpreting the law. We're trying to preserve the right to these small boards so that they can meet as they are currently doing, which the Attorney General feels is against the law, and we're trying to help them out, to put it into law, to say that they can meet, and it's okay as long as they meet under these conditions. I would hope that you would follow your original vote, stay with the twelve members of the committee, stay with the Attorney General, and vote to Enact this bill to help these smaller boards and commissions to be able to use the technology that is available today. Thank you.

**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 (#568)**

**YEAS:** Senators: **BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFSKY, GRATWICK, HASKELL, HILL, LACHOWICZ, MAZUREK, MILLETT, PATRICK, SHERMAN, VALENTINO, VITELLI, THE PRESIDENT - JUSTIN L. ALFOND**

NAYS: Senators: BURNS, COLLINS, CUSHING,  
HAMPER, JACKSON, JOHNSON, KATZ,  
LANGLEY, MASON, PLUMMER, SAVIELLO,  
THIBODEAU, THOMAS, TUTTLE, WHITTEMORE,  
WOODBURY, YOUNGBLOOD

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, 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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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Expand Services to Persons Who Are Disabled or Elderly on Wait Lists by Reducing Revenue Sharing"  
H.P. 1344 L.D. 1857

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

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

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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:

**Acts**

An Act To Improve Business Certainty for Providers of Quality Child Care  
H.P. 1152 L.D. 1581  
(H "A" H-816 to C "A" H-656)

An Act To Implement the Recommendations of the Commission To Study Transparency, Costs and Accountability of Health Care System Financing  
S.P. 698 L.D. 1760  
(C "A" S-503)

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  
H.P. 1317 L.D. 1829  
(C "A" H-786; H "A" H-818)

An Act To Clarify Outcome-based Forestry  
S.P. 746 L.D. 1847  
(C "A" S-502)

An Act To Amend the Process Regarding the Transfer of Students between School Administrative Units  
H.P. 1336 L.D. 1852  
(C "A" H-815)

**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 Appropriate and Allocate Funds To Strengthen the State's Efforts To Investigate, Prosecute and Punish Persons Committing Drug Crimes

S.P. 725 L.D. 1811  
(C "A" S-498)

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

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**Resolve**

Resolve, To Establish the Commission To Study Business Format Franchising

H.P. 1043 L.D. 1458  
(C "A" H-669)

On motion by Senator **HASKELL** of Cumberland, placed on the **SPECIAL STUDY 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 **GRATWICK** of Penobscot 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 **VITELLI** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

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On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** to Friday, April 11, 2014, at 10:00 in the morning.