

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
Friday
April 11, 2014

Senate called to order by President Pro Tem Edward J. Mazurek of Knox County.

Prayer by Pastor Bob Hartell, Ellingwood Corner United Methodist Church in Winterport.

PASTOR HARTELL: Good morning. Please be in a spirit of prayer with me. Our kind and gracious God, we bow our heads this morning and for Your guidance and Your enlightenment. We give thanks for our beloved lawmakers and state leaders who have dedicated their time and their effort for their fellow citizens in our much beloved state of Maine. Creator God, we ask You to protect all of our citizens who may be in harm's way fighting for our freedom, which we so dearly love and cherish. We ask Your blessings on those who are sick and afflicted, that they may be comforted in Your loving embrace. We pray that our government leaders and all of our citizens would reach out to one another with an attitude of love, compassion, and a servant's heart. Help us to honor each other's differences with respect and compassion. Gracious loving God, we ask You to bless our national and world leaders as they search for ways to find peaceful resolution to conflict, enabling our children protection to live in peace and harmony as You have intended for us to live. Amen.

I've been told that I may give a brief inspirational message to guide you through your deliberations today. I think perhaps one of the greatest statesmen of the 20th Century was Winston Churchill, Prime Minister of England during the 2nd World War. He said this, "Courage is what it takes to stand up and speak. Courage is also what it takes to sit down and listen." I like that. I have chosen two heroes that inspired me greatly and I hope that they may inspire you here today. They are Mother Theresa and John Wooden, former college basketball coach at UCLA. John Wooden accomplished something that had never been done in college basketball before, or since for that matter. In a 12 year period he won 10 NCAA championships. You might think, at first glance, that he did that by stressing to his players the importance of winning, of defeating his opponents. You might think that he would have taught that winning was not just the most important thing but that it was the only thing. John Wooden would have none of that. His pep talks before games was just to do your best for the next 40 minutes. Give only your best and let the score take care of itself. If you give your best you can always hold your head up high, no matter the outcome. That life lesson his players took into the world with them. Mother Theresa, I think, is an inspiration to me because she lived what she said she believed: that was to be humble servants, placing the needs of others above the needs of ourselves. Late in her ministry a New York newspaper decided to do an article on her. They knew she was in India but they didn't know exactly where, which was not uncommon. They sent a young reporter to India to find her. After searching for quite some time, they found her in a home in

Calcutta caring for a man who had leprosy. When he entered the room, he found her washing the body of a man with leprosy with a sponge and a bowl of water. There were bits of his flesh on the sponge and in the water. The reporter said he became visibly ill at the sight and he said to Mother Theresa, "I could not do what you are doing if I were paid \$1 million." She said, "Neither could I". She, because of the life she lived, could take liberties that you and I could not take in all probability. She could show up at the White House without an appointment and she would see the President, no matter who he was. What are the applications of these two people for us here today in this place? I believe there are two things. One, when you enter this building to do the work of the people of the state of Maine, put forth your very best. This should extend to your homes, your families, your friends and neighbors as well. Secondly, Mother Theresa, I think, teaches us, and we use the term public servants many times, and has taught us the value of servant hood; looking after the interest of those who are downtrodden, those who are unable to care for themselves, and those in need, as well as the rest of the citizens. Finally, I always try, and I've picked this up from others, to thank the man or woman in military uniform when I see them. I apply the same principle to the police who protect us daily, putting their lives on the line for us many times, for firemen who walk into the fire that we are trying to get away from, and this morning, I apply that to you and thank you for your service to this great state of Maine, I think the greatest state of the 50 and I think the greatest place in the world to live. Thank you so much for what you do here. God bless.

Pledge of Allegiance led by Senator Stanley J. Gerzofsky of Cumberland County.

Reading of the Journal of Thursday, April 10, 2014.

Doctor of the day, Sydney Sewall, MD of Hallowell.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1345

**JOINT RESOLUTION RECOGNIZING APRIL 2014
AS AUTISM AWARENESS MONTH**

WHEREAS, autism is a spectrum disorder, which means no 2 people with autism are affected the same way, and it is a complex developmental disability that usually appears during the first 3 years of life and results in a neurological disorder that affects the functioning of the brain and social interaction and communication skills; and

WHEREAS, one in 68 children is diagnosed with this spectrum disorder, and prevalence has increased 30% since the United States Centers for Disease Control and Prevention's study in 2008; and

WHEREAS, autism knows no racial, ethnic or social boundaries and neither income nor lifestyle or education affects its occurrence, and it is estimated that 1,500,000 people live with autism spectrum disorder in the United States; and

WHEREAS, autism costs the United States \$90,000,000,000 in annual health care costs, 90% of which are in adult services, and these costs are estimated to increase in the next 10 years to between \$200,000,000,000 and \$400,000,000,000; and

WHEREAS, a single specific cause of autism is not known, but current research links it to biological or neurological differences in the brain, and outdated theories and myths, such as autism being a mental illness, have been proven to be false; and

WHEREAS, with support, people with autism can live full lives and make meaningful contributions to society; 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 our deliberations to acknowledge that the month of April 2014 is Autism Awareness Month and to pledge our support and encouragement to all those affected by autism; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Autism Society of Maine as a token of our respect and support.

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

READ and ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 908

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

April 10, 2014

The Honorable Justin L. Alford
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 Education and Cultural Affairs has had under consideration the nomination of Beth Anne Lorigan of Brewer, for appointment to the Maine Community College 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	2	Millett of Cumberland, Langley of Hancock
	Representatives	9	MacDonald of Boothbay, Daughtry of Brunswick, Hubbell of Bar Harbor, Johnson of Greenville, Kornfield of Bangor, Maker of Calais, McClellan of Raymond, Nelson of Falmouth, Rankin of Hiram
NAYS		0	
ABSENT		2	Sen. Johnson of Lincoln, Rep. Pouliot of Augusta

Rep. Soctomah of Passamaquoddy Tribe was absent.

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 Beth Anne Lorigan of Brewer, for appointment to the Maine Community College System, Board of Trustees be confirmed.

Signed,

S/Rebecca J. Millett
Senate Chair

S/W. Bruce MacDonald
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 **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#569)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Beth Anne Lorigan** of Brewer for appointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 909

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

April 10, 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 Education and Cultural Affairs has had under consideration the nomination of Patricia A. Duran of Hermon, for appointment to the Maine Community College 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 2 Millett of Cumberland,
Langley of Hancock

Representatives 9 MacDonald of Boothbay,
Daughtry of Brunswick,
Hubbell of Bar Harbor,
Johnson of Greenville,
Kornfield of Bangor, Maker of
Calais, McClellan of
Raymond, Nelson of
Falmouth, Rankin of Hiram

NAYS 0

ABSENT 2 Sen. Johnson of Lincoln,
Rep. Pouliot of Augusta

Rep. Soctomah of Passamaquoddy Tribe was absent.

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 Patricia A. Duran of Hermon, for appointment to the Maine Community College System, Board of Trustees be confirmed.

Signed,

S/Rebecca J. Millett
Senate Chair

S/W. Bruce MacDonald
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 **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#570)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Patricia A. Duran** of Hermon for appointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 910

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

April 10, 2014

The Honorable Darek Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant:

With reference to the Senate's action whereby it insisted and asked for a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act To Clarify When Bonds May Be Issued" (H.P. 628) (L.D. 904)

I have appointed as conferees on the part of the Senate the following:

Senator Emily Cain of Penobscot
Senator Troy Jackson of Aroostook
Senator John Cleveland of Androscoggin

Sincerely,

S/Justin L. Alfond
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 413

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

April 10, 2014

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

Dear Secretary Grant:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Clarify When Bonds May Be Issued" (H.P. 628)(L.D. 904).

Representative Charles R. Priest of Brunswick
Representative Aaron M. Frey of Bangor
Representative Mark N. Dion of Portland

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 907

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

9 April 2014

The 126th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1487, "An Act To Provide Fiscal Predictability to the MaineCare Program and Health Security to Maine People."

Maine cannot afford to expand Medicaid to 100,000 able-bodied adults. The expansion offered through Obamacare would have a disastrous impact on Maine's budget, as well as those truly needy individuals, our disabled and elderly, who rely today on the scarce resources in our program. Maine has been down this road before, and we must learn from previous experience. Medicaid spending grew by one billion dollars in a decade, hospital bills were not being paid by the state, budgets were broken and thousands of elderly and people with disabilities were forced to wait for critical services.

The fiscal savings promised by Medicaid expansion and managed care are merely mirages. Proponents of this bill tout "free" federal money and unspecified state "savings" with no backup for these claims. It is shortsighted to think federal funds will always be available, especially after watching the federal deficit climb and witnessing continual delays and changes from Washington. When savings were promised in the past as a result of expanding Medicaid, they never materialized, leaving Maine taxpayers holding the bill.

Previous expansions of the program have taught us that when we grow a welfare program like Medicaid, people will drop their private insurance and flock to government assistance. This drives up the cost for everyone else who maintains their own private health care coverage, and it makes no sense when half of the proposed Medicaid recipients already have access to low-cost private health insurance. Experience from other states has also taught us that managed care can create savings in states with traditionally high healthcare provider reimbursement rates because the managed care companies cut rates to those providers. It makes no fiscal sense to bring an out-of-state company to Maine and take taxpayer money to pay them to cut rates to our doctors and nurses. DHHS is already working to coordinate the care provided to our most expensive Medicaid populations, and the fiscal results are excellent—better than those seen in states with managed care companies running the programs.

Unlike many other states being lured into expansion by the promise of federal deficit Medicaid dollars, we have been down this road before. We know how the story ends: broken budgets and the disabled on waitlists for services. We know the arguments—they're the same as the last time—and we know the ruinous results of expansion. For the sake of the truly needy and Maine taxpayers, we cannot go down this path again.

For these reasons, I return LD 1487 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Provide Fiscal Predictability to the MaineCare Program and Health Security to Maine People
S.P. 552 L.D. 1487

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

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

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 Knox, Senator **MAZUREK** to his seat on the floor.

Senate called to order by the President.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act To Allow Signs for Areas of Local, Regional and Statewide Interest on the Interstate System"

H.P. 1320 L.D. 1831

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-814)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-814)**.

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

READ ONCE.

Committee Amendment "A" (H-814) **READ**.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-814), in concurrence.

Senate

Divided Report

Seven members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Maine's Ability To Attract Major Private Investments"
S.P. 738 L.D. 1835

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

Signed:

Senators:
PATRICK of Oxford
CLEVELAND of Androscoggin

Representatives:
HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASTRACCIO of Sanford

Five members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-516)**.

Signed:

Senator:
CUSHING of Penobscot

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

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-517)**.

Signed:

Representative:
MASON of Topsham

Reports **READ**.

Senator **PATRICK** of Oxford moved the Senate **ACCEPT** Report "A", **OUGHT NOT TO PASS**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A", **OUGHT NOT TO PASS**.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/10/14) matter:

SENATE REPORTS - from 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

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-511)** (11 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (S-512)** (1 member)

Report "C" - **Ought Not to Pass** (1 member)

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

Pending - motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511)**

(In Senate, April 10, 2014, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#571)

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

NAYS: Senators: **LACHOWICZ, SAVIELLO, THOMAS, WHITEMORE**

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **GERZOFSKY** of Cumberland to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511)**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-511) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511)**.

Sent down for concurrence.

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

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

An Act To Provide Fiscal Predictability to the MaineCare Program and Health Security to Maine People
S.P. 552 L.D. 1487

Tabled - April 11, 2014, by Senator **JACKSON** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 28, 2014, **PASSED TO BE ENACTED**, in concurrence)

(In Senate, April 11, 2014, Veto Communication (S.C. 907) **READ** and **ORDERED PLACED ON FILE**.)

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

Senator **GRATWICK:** Thank you very much Mr. President. I'm going to speak in favor of Overriding the veto of the Chief Executive and I would wish to speak to that.

THE PRESIDENT: The member may proceed.

Senator **GRATWICK:** Thank you, sir. Today we talk about the ultimate struggle that we all are experiencing over this very complex bill, between our hearts and our minds, our heads. There is room in this bill for our hearts because we want to care for each other, most assuredly in our heads and our minds because this involves money and resources of the state. It will be no surprise that I, as a physician, come down on the side of hearts. I've cared for people for 45 years. I do the very best I can, bring all the resources we have in our society to bear, because every life is important. We are all part of the state of Maine. Your spouse and mine, your family and mine, the families of all Mainers are important. On the other hand, you have to know that heads are very important as well. We have to use our minds carefully in medicine. We need data. We need to use best practices. This is not just an emotional appeal. You have to know that I'm fiscally very conservative in many, many ways. The bill before us, that has now been vetoed, is a creative solution to what we can do for all Mainers. It involves both head and heart. This, to me, is the way a bill should be, the way this bill's been worked. We are looking for, we have sought a common ground, we have bent over backwards to have everybody have an opinion about this and have their voice heard. This bill appeals to both head and heart and our Republican colleagues have had a significant input into it, as has the Democrats. I have talked with many people from the Maine Hospital Association, the Medical Associations, from Eastern Maine Medical Center, where several of my colleagues, those from Penobscot and Hancock, have met with the CEOs of Eastern Maine Medical Center. It's very much in favor of this. I've talked to other patients. I've talked to doctors. I've talked to the Chamber. This is, indeed, a compromise bill, I think, in the very best situation. The best example of how we can have compromise bills. In the last analysis, this comes down to a blend of head and heart and how we are going to come out on this.

I'll return to one patient that I talked to you about four weeks ago, somebody I saw in the weekend. I do a weekend call at the Eastern Maine Medical Center. This is a now a 21 year old man who has had Crohn's Disease, a very unpleasant, difficult inflammatory bowel disease, since age 7. He had no choice about this. Since age 7 he's had this disease. He's had multiple surgeries. He's had most of his bowel taken out. For the last four years he's had very good treatment and he's done very nicely until this January when his insurance, his MaineCare, ran out. I saw him in the hospital with a major flare. He was put on

medicine, he did okay. I saw him again last week because he was discharged from the hospital after five days of intensive, very expensive treatment, discharged and he's doing poorly. His remark to me, when I saw him in the emergency room, was, "Doc, I feel lousy. I need help."

I'm here today, Mr. President and ladies and gentlemen, speaking for my patient, indeed for all of our patients. For me, in this instance, heart comes first. There can be no argument, this gentleman and many others need help. Medical care is a benefit that many of us need. I don't at all dismiss the importance of head in this argument. Money is important. We've talked about this a great deal. We cannot overspend our resources, but it can be argued that this man has spent enormous amounts of resources that need not to have been spent. In healthcare, heart is the most important. Thank you, Mr. President.

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

Senator **WOODBURY:** Thank you Mr. President. If we fail to override this veto, it will, in my judgment, be the single most significant missed opportunity of the 126th Legislature. The people most directly affected are real people, Maine people, who cannot afford to pay for health insurance on the private market. The federal government has offered to pay the full cost of the health insurance for three years and we are, apparently, turning down that offer of coverage to 70,000 of our neighbors. The people indirectly affected are all of us, for forgoing an inflow of \$1 billion over three years, dispersed broadly across the state, which could have a marked impact on our strained economic conditions. I strongly urge you to override this veto. Thank you, Mr. President.

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I sincerely hope that this is the last opportunity I will ever have to speak on this issue. I can think of few things that would make me happier. I've learned a lot while I've been here, but one thing I have not forgotten is how I came to be a member of this Body in the first place. Three moms in Waterville who worked, did not qualify for Medicaid, and they are no longer with us because they didn't have access to healthcare. Sometimes I feel like people must think I'm a one trick pony. I keep talking about this and I keep talking about the people that it affects, but those people are real and those children who do not have a mother any more are real, as real as any one of us standing here today. I've told you many stories. I've told the stories of Doug, of Lacy, of David, of Dawn and Shawn, and many others. I could just stand here and name names because that's, as I've said time and time again, the stacks of things I have. That's how I came to be here. That's what inspired me to run to represent the people of my district, because I believe this is the biggest issue facing our state, our families. It's about saving lives. It's about economic development. It's about fairness. It's about all the things we argue about in here all time. One of the other things I've learned while I've been here is that we get things done when we compromise, when we work together. This bill does that. There are things in it I don't like. Anyone who knows me knows that I'm not the biggest fan of managed care, having worked under it as a provider myself, but I appreciate the work

that the other good Senator from Kennebec has done with it because it gives us something that we can agree on, that we want this to work. It also does other things like take care of the wait list. A lot of the arguments we heard last sessions, it takes care of those. Why don't we do this? I mean, we're losing \$1 million a day. It brings jobs. It's a compromise. It's good for the people of Maine. That's what the people of my district elected me to do. I'm going to vote to override this veto and I encourage everyone of us to do the same. Thank you very much.

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

Senator **CRAVEN:** Thank you Mr. President. Members of the Senate, I stand in support of overriding the veto on L.D. 1487. It is a sad day for the state of Maine when 70,000 people, and that includes 3,000 veterans, are denied the opportunity to acquire quality healthcare. We were offered many excuses from the opponents of why they wouldn't vote in favor of this sensible legislation to accept federal funds. As I see it, the barriers have now been addressed. In L.D. 1487 the good Senator from Kennebec, Senator Katz, worked extremely hard to address many of the concerns. First, the budget sustainability through managed care. Secondly, it provides tools to ensure that we have a healthy population in the state of Maine, which is going to cost less in the long-run for publicly funded healthcare as well as privately funded healthcare. Third, worries about on-going funding by having a sunset on the 2 years and the opt-out section of the bill. Fourth, the fraudulent activity by funding eight new fraud investigators for the state of Maine, if there was such an activity on-going. Fifth, actions taken by the Appropriations Committee this past week by funding the wait list, which was talked about over and over and over. That has been addressed by the budget committee and, truly, we all know that, whether we accepted the funds or not, it would have taken an act of the Appropriations Committee to have that issue addressed. Sixth, the budget committee went a long way towards addressing the stability of our nursing homes, which are, as we know, in crisis at the moment. Please, please do the right thing for your constituents and override this veto. Thank you, Mr. President.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I urge you to vote with me to override this veto today. When I spoke, I guess it was last month, on this bill I told you about my friend Tiffany and I want to give you an update. When I last talked to you about Tiffany she wasn't in her house. She was trying to get a job. She's not in school. Her medications are way off track. Today, I am happy to report that Tiffany is doing everything within her power, all of the options that she has available to her, to put her life back on track and prevent herself from falling into a terrible place. She's still not in school, but she's working. She trained for a job and it's not a very high paying job, but it's helping her stay on track. Actually, today, Tiffany moves back into the house that she had, that she had no heat for for several months. She's doing what she can. What Tiffany cannot do on her own is cobble together, through any number of random programs, the medications she needs in order to ensure that all of this hard work she is doing, going to work and trying to get back to school, or getting her housing under control. Without those

medications this will not be a long-term track for success for Tiffany. She is a non-categorical. Without these services I fear that it will only be a matter of time before, because of things she cannot control, because of just needing a little bit of medication to help her stay on track, she will not be able to stay on track. Most of all I urge you to override this veto because this means April 2014 has the potential to go down in Maine's history as the single most important month for healthcare in the state of Maine ever, because in the same month we have the opportunity not just to override this veto and provide healthcare for 70,000 people across Maine but we will, next week, have the opportunity to support a budget that takes everybody, nearly everybody, off the Developmental Disabilities Waiver in Section 29 and takes many people off the Section 21 Waiver. Those are the right things to do. The budget next week that we will deal with will go side-by-side in helping Maine people, along with this override, will help nursing homes that are on the edge, and will provide mental health funding. All of these things together will be what makes this month go down in history and we cannot do one without doing the other and feel good about this month. That's why I ask you to support this override, because we need these services. Maine people deserve this support. I believe, all together, we can make this month one that we will all look back say we did the right thing for Maine people together. Please join me in overriding the veto. Thank you, Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President. Women and men of the Senate, it doesn't have to be this way. That's what my good friend, Senator Woodbury, tells me often. He's making his good counsel. It does not have to be this way. It does not have to be partisan. It doesn't have to be along political lines. We can find ways to work together. We can compromise if we just listen to one another. He's a wise man. We'll miss him. It doesn't have to be this way. This is a reasonable compromise that was worked out in a bi-partisan manner. I give much thanks to Senator Saviello and Senator Katz for stepping forward, as well as those on the other side of the aisle who also stepped forward and were willing to compromise, who didn't remain with their rigid positions, but tried to find common ground that both provided services to those who needed it by providing health insurance and protected the financial interests of the state while doing so. We built in safeguards with this proposal. If any unexpected costs remain we have an opt-out. We don't have to continue if the federal government doesn't live up to its responsibilities. There are plans in there for managed care and reducing costs. We know there are more than 70,000 people in Maine who this healthcare proposal will cover who are not currently covered. Many thousands of them live in my district and in Androscoggin County. These are working Maine citizens. They go to work every day. They try to play by the rules. They work as hard as they can, but they have no other means of access to healthcare insurance. None. Why wouldn't we want to do something that's smarter in taking care of healthcare costs as opposed as continuing what we have, which doesn't cover people when they need to be covered, doesn't allow them to get preventive care, and waits until they are in a medical crisis and an emergency room to get the most expensive kind of care there is, which ultimately winds up either in our premium or in the charity care or the state subsidy to support

this unpaid for healthcare? Why wouldn't we do something smarter, that this bill provides the opportunity for?

I was reminded today by Pastor Hartell's inspiring talk to us; what would Mother Theresa think of this today? Do you think it would be acceptable not to help someone in need when we have the opportunity to do so, we have the means to do so, and we have a well thought out policy to do so? I hardly think she would. Women and men of the Senate, it doesn't have to be this way. It's up to us, the 35 of us. We can decide the way we want this to be. If we want this to be another partisan stand-off, then cast the votes in that manner. If you want this to be something that's a reasonable compromise that we can come together on, that we can do what we think is best for the people of Maine, that each of us give a little something to come to common ground, the opportunity rests right now. Choose which way you want to vote. If you prefer to continue with this partisan gridlock, you'll vote no. If you want to actually take responsibility, change the culture, and do something in a cooperative way that our constituents sent us here to do, individually, that was our pledge. I told my constituents I would not vote simply in a partisan way on bills, that I would look at their merit and I would vote what I thought was the best interest. You've seen me do that here. I'm not just talking the talk. I pushed my button when I thought that was the right thing to do, even though it wasn't necessarily the partisan thing to do. I hope that you will join me today in doing what I think is best for all the citizens of Maine and what's best for your own constituents and vote to override this veto.

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

Senator JACKSON: Thank you Mr. President. Ladies and gentlemen of the Senate, this is a big deal. For me it's a huge deal. This is 12 years for me and I'm obviously getting done in another week or so, June. Lord knows what's going to happen for me. I may be back in the Allagash looking for work or I may be doing something else, but this is really the reason why I got into politics to begin with. For me, I know I've told a lot of you a couple of times about having friends since I've been here that actually passed away and probably would have had a different thing happen to them if they had had this type of coverage, the only type of coverage that they would have ever been able to have because the cost of healthcare for most people that I interact with has gone out of reach for everyday working class people. We're talking about something that people say, "We can't do this because able bodied people should be able to go out and get healthcare." These, in my opinion, are able bodied people that are working, and they're working just enough that they don't get the type of coverage that people that are underneath the line are getting. The able bodied argument, for me, is just not relevant. You know, it's hard to go back, like I said before, and see those people, those families of people that don't have healthcare, that have lost loved ones, when I'm standing before them with government sponsored healthcare. It really is embarrassing and shameful for me to have to face them and not have an answer why it's okay for me to get government sponsored healthcare but not for them. I know that they work as hard as I have ever worked or anyone probably in this Body has ever worked and, for reasons that no one except the Almighty can understand, they have had healthcare, or health issues, that is just unfair.

Like I said, this is a big, big issue. Today we're right on the edge. It's a game of chance that some of us here don't have the best cards and some of us do. Like I said, that's just a game of fate and luck and it's really unfortunate that it's come down to what it has. I would just like to point out some of the things, and I really don't want to make this anything more than what I see as some of the people seeing one side and not seeing it from the other, but in the last debate we heard about people growing up, having to zip two sleeping bags together. I would argue that there are still people out there that are trying to make the best they can by zipping two sleeping bags together. I heard that this was a cancer. Well, I think the cancer is that people that are feeling something inside of them and don't have healthcare and don't know what to do about it and continue to go on with their lives while the cancer is actually growing inside of them. The last thing that I would really like to say about this, and I would like this to really come through in the best possible light, is that last session I put in a bill that may have not been well thought out, it may have, but I certainly believed in at the time. It was about the pension reform that I didn't agree with back a couple of years ago, and tying the Chief Executive's pension to that. Obviously, it created quite a bit of hardship between myself and the Chief Executive, earned me the moniker of Black Heart, which is fine. One of the things, after that came out, the Chief Executive said, and if I could just read it to you, he said, "When you come from the streets you develop a sort of mechanism inside of you which is to protect what's yours." What he didn't realize is that I take care of my sick mother-in-law and a wife. When he made that attack on my pension that was against them. You can do anything to me but don't touch my family.

Ladies and gentlemen of the Senate, that statement right there brings me closer to the Chief Executive than probably anything else and I really, really, 100% identify with what he said there. I think that, you know, quite possibly what I did with that bill, I understand a lot better his reactions because I believe what he said there was exactly right. He was protecting what he thought was his family. What I would say to all of you is that there is a lot of people out there with sick mother-in-laws and wives to take care of. Today we have a chance to help some of those. I think that we really should all try to do the best we can to have the best possible heart and by doing that I think we should overlook our differences and pass a bill that could actually help people. I mean, there's people out there that have no other option in the state. You can't deny it. They are working hard but they do not make enough money to reach the health insurance system that we in this country today and this is an opportunity to give some of these people the help for their sick mother-in-laws and their sick wives and I think that is something that's really appropriate, something that we all should be striving for in this state. Thank you very much.

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

Senator THIBODEAU: Thank you Mr. President. Ladies and gentlemen of the Senate, I recognize that most of us are probably fatigued with the debate over this bill. I just want to make a few short points. One is that we have pointed out in the past that there are significant opportunities for many of these people to access private pay insurance at an extremely reduced price. The second that I want to point out is that we have other significant needs that this state faces, including things that will affect our

elderly populations. We can't turn our backs on that responsibility in any way. I know that we're working hard together to make sure that we fulfill these obligations, but they are real, they still exist, and we need to make sure that they are a priority for this Body. The last thing I'd like to say is that I appreciate the passion in which both sides of the aisle feel about this. It is not a partisan issue for sure. There are people that feel differently from both parties, I'm sure. The fact of the matter is, with very limited resources, we just struggled with a budget closing it out, it was a very small budget that still is waiting to be enacted that is someplace around \$30 million. Our resources are extremely strapped and we only have the ability to do certain things. This is beyond our ability to pay. When we look at the next Legislature, they are going to be faced with some significant budget short-falls that they're going to have to deal with and this would add to that short-fall if we were to move forward with this. Ladies and gentlemen, thank you.

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

Senator **JOHNSON:** Thank you Mr. President. Thank you, ladies and gentlemen of the Senate. We worked on this, we reached a compromise, we tried to come together, and we have other ways in which we have been compromising and achieving the things that are of concern to both sides of the aisle. The work on the wait list is spoken of already. We found a way to get that done and did so together. I don't know where the Chief Executive's 100,000 able bodied people figure comes from, but I can tell you that the nearly 70,000 people who would be able to see their doctor if we vote together to make this momentous change in healthcare availability for the state of Maine cannot be so easily pigeonholed or labeled as able bodied. Some are. Some are only so when the medicine and the treatment they need to manage their problems are within their grasp. Others are not doing well and badly need services that they can't afford. It certainly is the case that some people earn enough in the work that they do that they can qualify for a subsidy under the Affordable Care Act and the Exchange and may be able to afford the coverage they need. Others, even if they earn enough to qualify, have enough expenses, have enough debt, have enough other difficulties brought on by their circumstances that they cannot afford that either. Still others don't qualify for any subsidy, those who are earning at or below the 100% federal poverty level. I've heard from a lot of those people from my district. I would ordinarily consider the lobsterman from Boothbay who wrote me and wrote his story, was able bodied until he tore a muscle, which prevented him from going out and doing the job that he loves, which was supporting himself. What we do want I think we agree together in this Body. What we want is those able bodied people to continue to be able bodied, those people who are not able bodied to become so and to be able to support their families, support themselves, to contribute as best they can to what we do in Maine, to get by. This is a case of an obstacle that 70,000 people in the state of Maine cannot overcome on their own. These are hardworking people.

These are good Maine people, like my father-in-law who passed away a few years ago. He was the hardest working man that I knew, but he didn't earn a lot of money and he was fortunate, because of his involvement in the service, the VA provided some of his healthcare. Through the years, as he developed problems, as he got older, and he remained a

hardworking man, supporting his family in every way he knew, those things didn't bring him down, prevent him from doing so. For these 70,000 people, if we cannot make this decision today to overcome that obstacle for them, these problems, whenever they occur in their lives, whether they already have those frailties or if one comes upon them, will bring them down, will prevent them from being what we want every person out there to be, responsible and taking care of themselves and their families and contributing to Maine, which is just what they want to do.

The weaver in Waldoboro runs her own business, doesn't make enough to qualify for subsidy for the Affordable Care Act. She's getting on in years too and life isn't easy without the medicines and the help she needs as problems come upon her. I've heard from many, many constituents in these circumstances and I have to believe that these are not all able bodied people. We are in all sorts of conditions, not only today but in various times in our lives. These are the people that, when you look at that person who needs help, you might say, "There but for the grace of God go I," because even the able bodied today will have health problems another day. It's part of the human condition. We are all involved in humankind. We're all making decisions today that affect the people of Maine and the people of our districts. I hope, as has been mentioned earlier, you will decide that this is the day that Maine takes care of its people, that helps its able bodied, and its people that would be able bodied with the right medical help, to provide for themselves, and make sure that we are a strong state. I have heard from a lot of people on different sides of this issue and I would say that most of those sides were different reasons why this should happen. I hope you will think of them today and vote with me. 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, the Senator from Penobscot, Senator Gratwick, addressed the heart of this issue and I would like to take a moment to address the head. When I was growing up my Mom always taught me that what is popular is not always right, and what is right is not always popular. You know, it would be easy for me to sit here and override this veto. It would be easy to say that, yes, this is what we're going to do. It also would be easy for me to walk through the applause line today, but that's not the right thing to do. That's not what I came here to do and that's not what the 3,600 people that I represent asked me to do.

I'd like to address a couple of facts. What we are looking at doing today, should we override this veto, is \$1 billion in new welfare spending over the next 10 years, adding 70,000 people to the welfare rolls, and, if we do this, it will be 33% of Maine people on government benefits. That is unsustainable. I've also heard that there are a lot of people who can't afford their own health insurance. Well, Mr. President and ladies and gentlemen of the Senate, I do not have money to pay for other people's health insurance. Neither do my parents. Neither do my grandparents. We have a hard enough time taking care of ourselves.

The federal government has made these promises before in regards to paying for many shared projects that we have in our state, such as our National Guard and our Air National Guard, our transportation infrastructure, and our healthcare system. We are talking about trusting a federal government that is \$17 trillion in debt to pay our bills. They cannot even pay the bills that they have due now. They are running trillion dollars deficits every

single year. We must examine our priorities. One hundred and fifty million dollars in new spending every year is going to have to come from somewhere. Is it going to come from education, teacher's salaries, school lunches for the underprivileged? It's going to have to come from somewhere. This expansion is not free. This country has been lied to. Medicaid cuts are already happening. Read the Wall Street Journal. Mr. President, we heard about Winston Churchill today from Pastor Hartell. Another great Prime Minister from the United Kingdom, Margaret Thatcher, once said, "The problem with social programs is that eventually you run out of other people's money." Mr. President, we're running out of other people's money. Thank you.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, once again I rise as the watchman on the wall. Once again I say before this Body, this bill before us will have immense ongoing costs. Let's go over the basics again. About 50% of the newly eligible population will only be covered at 65.5%, that reimbursement rate. Maine taxpayers will pick up the other 38.5%. That amounts to roughly \$17.8 million in 2016 and \$18.7 million in 2017. DHHS is estimating an additional cost of \$2.5 million in staffing costs, of which I'll give it that the federal government will cover \$2 million of that. There's a half million dollars. There are parents that are currently receiving transitional Medicaid benefits and for one-quarter of state fiscal year it's an additional \$4.2 million. There will be parents who will drop their private insurance and, if they're eligible for Medicaid, and this will include their children, estimates are at about 7,500 people will make this switch. Cost estimates for 2015 will be \$6.6 million and \$6.4 million in 2017. All this greatly differs from the fiscal report, the fiscal note, you have with the bill. The Department of Health and Human Services estimates a cost to Maine taxpayers of somewhere in the neighborhood of \$84 million. That's just in that fiscal period that is indicated on the fiscal note, which takes us out through 2017. I'll remind you that, as the Senator from Androscoggin did, the federal government is, in fact, in debt over \$17.5 trillion. Medicaid is now consuming 25% of the General Fund and with this proposed expansion it'll grow to 38% in 10 years. We continually struggle to fund the program now. How can we possibly think about funding it when it's another third larger?

As far as the recent budget, that which is proposed, yes, we are going to be covering Section 29 Waiver folks, but this is merely a \$5 million step onto a \$43 million step journey. It's only \$5 million and a \$43 million price tag. The proposed budget does channel enough money to satisfy the current needs in Section 29 Waiver List. Please don't get me wrong. I appreciate the efforts of the Appropriations Committee to address the Section 21 and 29 Waiver List, but this effort does absolutely nothing for the elderly that wait for services to be able to stay in their homes longer before going into long-term care. Speaking of long-term care, the need for higher reimbursement rates still exists to keep nursing homes from going out of business. Oh yeah, that's right, there was money in that budget for nursing homes, but it isn't available until the middle of next year. I question: how many nursing homes will survey their beds in the next 14 months? More nursing home closures will force the family members who want to visit their aging relative to drive long distances because the local long-term care facility had to close.

Now, as I understand, the money that is being used to fund the Section 29 Wait List will not be available if Medicaid is expanded. The Wait List funding comes from reductions in Medicaid eligibility brought on by decisions made in the 125th Legislature. We cannot expand and fund the 29 Wait List with the same money. Tax dollars can only be spent once. If expansion is voted in today, the money that is available will simply not be there because MaineCare will be right back to where it was, covering the exact same population that was being removed. As I said, money cannot be spent twice. Then there's the fact that the department is underfunded in the 2015 budget. That's pretty well guaranteed that those of us who hope to be back in here next January will be looking at a supplemental budget to take care of another shortfall with the Department of Health and Human Services, and you want to grow the program another third.

I will not go into all the rest of my reasons as to why to say no to the expansion and no to managed care and say no to L.D. 1487. All you've got to do, for those of you who are researching this issue, is go back to the debate on L.D. 1487, which was on March 18th of this year, and refer back to my testimony then. We stand at the crossroads, ladies and gentlemen of the Senate, and we can examine our priorities and make changes or we can plunge headlong off the cliff of fiscal insanity. 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 have difficulty with labels, once again. Labeling MaineCare coverage as welfare. Unless you consider that all of us able to see a doctor because we receive coverage as legislators to be on welfare. The Chief Executive, who gets coverage because he was elected Governor, excuse me, Chief Executive, to be on welfare. We're not talking about something which is going to enrich these people. This is paying healthcare providers to help keep these people healthy when they need it. You know, if we're worried about growth in the safety net, I can assure you 70,000 people, when they fall ill and can no longer work and have to fall back on other services like TANF or SNAP and others just to try to stay alive until their health condition finally catches up with them and they die and decrease the surplus population, like Dickens said, these people would not have to be on those rolls if they could get the healthcare to stay healthy, to stay productive, to be doing the jobs that they want to do to provide for themselves and their families. The lobsterman I spoke of who was injured wants nothing more than to go back to being a lobsterman, but he can't get the treatment for his torn muscles to get better, and he'll be seeking some other way of supporting himself. I can tell you that if you are worried about the growth in our safety net go ahead and support this veto. You'll be assuring that it happens. Thank you.

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

Senator **CRAVEN:** Thank you Mr. President. Members of the Body, I'm actually getting up to say something else, but first I want to make a comment. That is, that I'm surprised that we keep talking about the leaders from the United Kingdom today. Before they began rebuilding from the blitz they decided, they decided, that if they could build bombs and kill hundreds of thousands of

people that they could provide healthcare for their citizens and they did. They are much healthier than we are today and they have a much better healthcare system and they are happy with their system. That's all I have to say about that because it's ironic that we're talking about the United Kingdom as we're talking about universal healthcare coverage for our citizens.

I actually got up to list the supporters of this legislation. By golly, they have a lot of employees. Here I go, there are 98 of them. AARP, Acadia Family Center, Advocacy Initiative Network of Maine, Alliance for Children's Care, Education, and Support Services. You can tell me to stop, Mr. President, if you're getting mad at me. The Alzheimer's Association, American Cancer Society, American College of Physicians, Maine Chapter, American Diabetes Association, American Heart Association, American Lung Association, American Nurses' Association, Bangor Area Homeless Shelter, Behavioral Health Community Collaborative, Catholic Charities of Maine, Center for Creative Healing, Coastal Enterprises, Community Clinical Services, Consumers for Affordable Healthcare. It's a little messed up, but "something" Clinical Counseling. Day One, DFD Russell Medical Center, Dirigo Counseling Clinics, Disability Rights Center, East Grand Health Center, Family Planning Association, Food and Medicine, Goodwill Industries, Harrington Family Healthcare, Health Access Network, Home Care of Maine, Homeless Voices for Justice, Islands Community Medical Services, Katahdin Valley Health Care, Kids Peace, Le Grange, Lifestrong Foundation, Maine Affiliate of Susan G. Gorman, Maine AFLCIO, Maine Association for Community Services, Maine Association for Area Agency on Aging, Maine Association of Independent Neighborhoods, Maine Association on Mental Health Services, Maine Association of Psychiatric Physicians, Maine Association of Substance Abuse Services, Maine Center for Economic Policy, Maine Chapter for American Academy of Pediatrics, Maine Children's Alliance, Maine Community Action Association, Maine Counsel of Churches, Maine Dental Association, Maine Equal Justice Partners, Maine Labor Group on Health, Maine Medical Association, Maine Nurses Practitioners' Association, Maine Organic Farm Association, Maine Osteopathic Association, Maine Parent Federation, Maine People's Alliance, Maine Primary Care Association, Maine Public Health Association, Maine Small Business Coalition, Maine Speech and Language Association, Maine Unitarian Universalist Church, Maine Veterans of Foreign Wars, Maine Women's Health Center, Maine Women's Lobby, Mainly Girls, March of Dimes, Moose Ridge Associates, MSEASIEU and NCAACP Portland Branch, NAMI Maine, National Association of Social Workers, National Multiple Sclerosis Society, Opportunity Alliance, Oxford County Mental Health Services, Penobscot County Health Services, Planned Parenthood, Portland Community Health Services, Preble Street, Regional Medical Center of Lubec, Regional Coalition Against Discrimination, Roman Catholic Diocese of Portland, Senior's Plus, Somali Culture and Development Association, Southern Maine Workers, State Hospital Counsel, and Sweetser. It's almost done. Tedford Housing, Tri-County Mental Health Services, United Way of Eastern Maine, United Way of Greater Portland, United Way of Mid-Coast Maine, United Way of York County, Wabinaki Vocation Rehabilitation Center, Wellspring, York County Maine Military and Community Work Network, York County Shelters Program. Thank you, Mr. President.

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

Senator CAIN: Thank you Mr. President. Men and women of the Senate, I rise to correct some inaccuracies that were put on the record earlier about the interaction between Medicaid expansion and the pending budget. The good news is that both exist, side-by-side. In fact, the way the budget was crafted explicitly accounted for the fact that this bill was still coming before us. It is true that there are savings that will be realized if this bill were to not pass, as thousands of people lose healthcare and lose the transitional Medicaid that they have been on and will continue to be on for another year. Because of savings built into this bill in Medicaid expansion, by recognizing those savings in the budget, we are actually able to recapture them through Medicaid expansion. I know you're looking at me and rolling your eyes and saying, "That just sounds so wonky and so policy." This is why we were awake for about 32 hours Tuesday into Wednesday trying to make sure we understood every interaction because it's not fair to the people and the families waiting for services on Section 21 and 29 or the nursing homes waiting for increases in their rates, for their Medicaid rates, to somehow be put at risk by the possibility of expanding healthcare to 70,000 people. The way it was drafted is very clear that Medicaid expansion passing can exist and will exist and, in fact, would be in the best interest of the people of the state of Maine, both financially and healthcare-wise, to pass both this bill and the pending budget next week. I want to rest assured you can, in this case, feel very good about both votes and go back again and celebrate April 2014 as the best month for healthcare ever in Maine. Thank you, Mr. President.

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

Senator HASKELL: Thank you very much Mr. President. Just three matters that I'd like to discuss today. The first is the cancer and Crohn's and heart disease and any sickness or disease. They don't have boundaries and they don't care what your pocketbook is. They hit all of us. They hit all of us in one way or another, rich or poor. They don't care whether or not we've got enough set aside to pay for it and whether or not I have enough to pay for somebody else's. Frankly, we're already paying for it. That's nothing new. We pay for it every day in the type of care that's provided at the most expensive locations and in the most expensive way as opposed to up front and before things get too bad. My second point is I often speak to people, as all of us do. I speak to a lot of groups. One of the stories I always tell them is it's not as bad as you read about. We actually do compromise up here. I often talk, Mr. President, about how many divided reports and unanimous reports come out of even some of the most contentious committees. I talk about the great respect I have for folks on the other aisle who serve on my committee, for their viewpoints, and that when we work together and provide something as a compromise. People are always surprised. They think we fight about everything. That's why this is difficult for me because this was a compromise. This was a place where Republicans and Democrats came together. We had an opportunity to look at what might be best for the state of Maine and find a way to move forward. We tried to look at the numbers, not from the most conservative or the most liberal but let's look down the middle and see what those numbers are. Those numbers show that the state of Maine comes out ahead if we take this money and we know the people of Maine come out ahead.

The third thing I'd like to say is back in January I attended the Martin Luther King Breakfast in Portland. It was a great event and there were a lot of folks there from the Portland area. Some of you who have been there before know it's a big draw for that area. The keynote speaker was Bill Cohen. That's a gentleman I've always respected. I've a picture of me with Bill Cohen and a picture with George Mitchell that were taken two days, one right after the other. I treasure both of those because I admire and respect the work that those men have done. In his keynote speech, I was surprised, no pleased, to hear him say that the state of Maine should take the Medicaid money. He said we should take it now and we should take it as fast as we can. That's somebody I'd like standing with me as we go forward down this march. We should take this now and as fast as we can. Thank you, Mr. President.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#572)

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

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

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

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

An Act To Allow Signs for Areas of Local, Regional and Statewide Interest on the Interstate System

H.P. 1320 L.D. 1831

Tabled - April 11, 2014, by Senator JACKSON of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-814)**, in concurrence

(In House, April 10, 2014, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-814)**.)

(In Senate, April 11, 2014, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-814) **READ**.)

Committee Amendment "A" (H-814) **ADOPTED**, in concurrence.

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

On motion by Senator **COLLINS** of York, Senate Amendment "A" (S-520) **READ**.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is the highly controversial, sometimes discussed, sometimes politely and sometimes argumentatively, transportation sign bill. Just to give you a brief history on how this got here, last session we asked two agencies that report to the Transportation Committee, the Maine Turnpike Authority, as well as our own Maine Department of Transportation, to come back with some guidelines as to how we should regulate bills coming through requesting signage along the Interstate 95 corridor. For those of you who don't know, Interstate 95, from the town of Kittery up to the city of Augusta is the Maine Turnpike. It is a private road. However, they work in conjunction with the Transportation Committee. They submit to us their budget. They provide for their own police protection on the turnpike. The rest of the 95 system, and 295 as well, goes from Augusta to the town of Houlton. For many years, periodically, there would be a request for an additional sign advertising whatever the case may be, a school or whatever. We diligently tried to persuade the sponsors of this legislation not to go forward with it, but in some cases these bills were passed into law and a sign was erected. We asked two agencies to come forward and give us recommendations as to what we could put up for regulations in the future, for legislators coming before us dealing with signs along the Interstate 95 corridor. They did. They came back to the committee of jurisdiction, the Transportation Committee, with their recommendations. However, in my opinion, they went just a step too far because they recommended to the committee, and through the committee amendment, to take down certain signs along the Interstate 95 corridor. Well, that's where

the surprise and the argument ensued. Some people were very concerned about their signs coming down. In a lot of cases these two different agencies, here again I'll repeat them, the Maine Turnpike Authority and the Maine DOT, tried to find some common ground and to alleviate concerns of our colleagues in the Maine Legislature and they did. However, there are still some signs that will come down. Some signs will be moved. One sign of contention for a lot of people is just south of the city of Augusta. The sign advertising the University of Maine at Fort Kent. Seems a little premature to be advertising that campus south of Augusta. What the department will do is move that sign closer to its destination. There are other instances of that along the corridor.

It seems unfair for some to get signs and some not. That was one of the reasons, again, just backing up a bit, that we wanted these new guidelines set up in legislation and, hopefully, incorporated into Maine law. I, at the committee level, tried to introduce the possibility of grandfathering existing signs that are out there now along the Interstate 95 corridor, grandfather those signs but accept the guidelines and the language provided to us by these two different agencies. That's essentially what my amendment does. It grandfather existing signs and any new proposals would have to adhere to the new regulations. Well, some critics say, "Well, that's unfair because what you're doing is you're having a cut-off date and people who want a sign will now have to adhere to new regulations." Well, that happens. It happens in life. I go back to the municipal level. When we pass zoning and things of that nature, there is a cut-off date. Here in the Maine Legislature we have sunset clauses on pieces of legislation we pass. That's not uncommon. My hope is that we'll accept the amendment, my amendment, and retain the language as currently in the committee amendment, which will put in place new qualifications for signage coming forward in later years.

Just to digress even a little bit further, just to give you an example of what we're trying to do here. Many years ago we had a proliferation of requests for vanity plates. It seemed as though every term there was one or two proposals for a special vanity plate. Well, it got to be so frequent that we had to set up a set of guidelines, which we did and it has slowed down the pace of successful attempts to introduce into the Secretary of State's Office the issuance of license plates and new vanity plates. You can imagine the expense of going forward with a vanity plate, if it doesn't sell it sits there on a shelf somewhere in some warehouse and just doesn't get sold. We put up qualifications that would require some of the things that were to happen before that bill could be even considered.

Getting back to the signage, some people say, some critics, "Well, gee, wow, we don't need signs any more. We've got all this GPS mapping in our cars and we don't need signs anymore." Well, Maine is a tourism state. People come to Maine for the first time, maybe the second time, and they're riding up the highway system, they see a sign for something and they go, "Wow, let's go there." Sometimes it's kind of a spontaneous decision to take an exit and go see what's available in that given community along the Interstate 95 corridor.

In closing, I would encourage you to follow my light, vote for the amendment, attach it to the bill, and you'd make Senator Ron Collins a very happy man. 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'd like to make him a happy man also. I rise in support of this amendment. I think it's a very good approach to what has been proposed to the Transportation Committee. As you all know, I'm sure you know that Maine receives about \$5 billion a year, annually, from tourism. From that \$370 million in tax revenue comes to us. Out of that we create about 90,000 jobs. That's where I come from, the position I come from. That's very important to the state of Maine and it's equally, if not more, important to the district that I represent, Downeast in Washington County and parts of Penobscot and parts of Hancock. There are three very important places in my district that are signed on the I-95 corridor. The University of Maine at Machias, Cordy Head State Park, and one that's actually not in my district but it certainly supports my district, that's Roosevelt Park, the only park of its kind in the world, which is just across from Lubec on Campobello Island, which is half owned by this country and half by Canada and has about 130,000 visitors to it every year. You can imagine what that does for the Washington County and Lubec area and areas that those folks have to traverse through in order to get to those locations. If any of you have come Downeast, you know we're not exactly on the way to anything and we're a little hard to find, so anything that we can get in support of directions is very important to us.

I understand why the department, and probably the Maine Turnpike Authority, and certainly us here in Maine want to keep our highways uncluttered. I think that's extremely important. I feel the same way about some of the junkyards that I see around. We have to do what we can to keep things uncluttered, but I don't want to see us throwing the baby out with the wash. I think signage is very important. Maine is one of the four states that passed a billboard prohibition law, along with Vermont, Alaska, and Hawaii. Four states and Maine is one of those. We're doing a pretty good job right now at keeping our highways from being uncluttered by unnecessary signage. Again, maybe not so well with some of the other things that we need to pay attention to, but as far as signage is concerned we're doing a pretty good job I think, Mr. President. I don't travel very often, but when I do travel, and you think of yourselves and your family in your own vehicles traveling, I depend on signage. I don't drive and watch my GPS until I'm near my destination, but I do depend on signage, especially when I'm on the Interstate systems, to help me find where I want to go and I don't think we have come to the point yet where people have stopped looking for signage to find the destinations they want. As the good Senator from York suggested, oftentimes that signage is the one thing that causes them to divert, maybe, from their original destination and visit an area which each of us has in our districts. It's very important to us when it comes to tourism. I think the right solution to this is to adopt the Committee Amendment that has already been put forward along with the proposed amendment here today and work from here into the future and make sure that we have certain regulations and certain criteria that has to be met in order to place new signage up. I think that would go a long way to protecting our highways in the future. I think it's very important for us also to think if we're open for business, and I believe every one of us really wants to be open for business, then we have to show the people where some of our most important businesses in this state are. That's all about the tourist industry. We can do that, and we are doing that, with signage and at this point right now in our state's economy to take away any of that advantage that we have through appropriate signage, I think, would be a detriment to our

economy as we move into the summer months. I would hope you would consider these arguments and support the amendment before you. Thank you.

Senator **VALENTINO** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-520).

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

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, I rise today on the Indefinite Postponement. The good Senator from York basically outlined why this bill is before you. The bill is before you because we have had a proliferation of sign requests before the Legislature. The Legislature, it's very difficult because it's all political requests. They're all in relation to a certain district. Everybody is fighting hard for their sign. What we did is we asked the Maine Turnpike Authority and the Department of Transportation to do a study and to come back to the Transportation Committee. I would say this is probably one issue that I agree very strongly with the Executive Branch on, that is that we waste a lot of time on studies. Every time we get a study usually it's because we didn't have the political will to do something. We send it back and have it studied and then the study comes back and then we still don't like the study and throw it away. This amendment is basically throwing away the study. We asked them to do a study. It came back. This was a unanimous report from the Transportation Committee.

I, myself, asked the same question as the good representative from York. Why can't we just grandfather the signs? We were told quite specifically that grandfathering the signs would not solve the problem. The problem is, and has been, everybody who sees a sign on the Turnpike than comes in and says, "If they have a sign, why can't I have a sign?" Than the Legislature says, "Well, okay, I guess if you have a sign, we'll do the sign." Many of these signs qualify for a logo sign. People want free signs. A logo sign is \$1,200 a year on 295 or \$1,500 a year on the Turnpike. They could qualify for a logo sign but they don't. They want a free sign. Is it really first come first serve? Is that how the Legislature works?

I will tell you, we went through this entire bill. We went through every line. We went through every single sign in this bill and I want to read one thing from the Maine Tourism Association. "Maine has been a leader by not allowing billboards and the proliferation of other signs along our roadways and yet we provide the information that the visitors seeking. The Maine Tourism Association operates the state's official seven visitor information centers and we hear all the time what a pleasure it is to drive in Maine and enjoy the beauty of our state without being assaulted by signage. We know that the adoption of this new policy will be very difficult, but we applaud the Department of Transportation for doing this and ensuring that the state of Maine will continue to be judicious regarding signs in the future." I will tell you, personally, I would put logo signs up every place. I like the advertising. I like business. It keeps me driving, but there are a lot of people who voted anti-billboard and don't want these signs. I don't care.

There are four signs on this list, and I'm a member of Transportation, that are coming down right in my hometown. Two for the Saco Hotel and Conference Center and one for the Old Orchard Beach. I'm a member of Transportation and these four signs are coming down and I voted unanimously because we're voting on a policy and if each and every one of us, all 35 of

members, decide to vote against this bill, or for this amendment, because there is one sign in our district that we're fighting to keep, then we're really doing the wrong policy and we should just throw out the whole report and say, "Let's let them all come in." We had seven different bills this year on wanting signs: Katahdin Trail, Berwick Academy, the 45th Parallel North, and Gould Academy. All got Ought Not to Pass in both Chambers. Lee Academy and the Underground Railroad actually advanced a little further. They got through the House but died in the Senate. Only one sign, Oxford Casino, made it all the way to the Governor's desk and got in. There is no rhyme or reason for what gets in and what doesn't get in right now. It is really based on politics. We need this decision based on a policy. Everybody came in, and I know props are not allowed so I won't show them, but they all said, "What about this sign? How come you're doing it for the ski areas? You're not doing it for the amusement park. What about this sign? There's a sign for Portland in Augusta. How can there be a sign for Portland in Augusta? There's a sign for Fort Kent in York." Everybody was saying, "What about this sign? What about this sign?," trying to pick on everybody else. This policy tries to be consistent.

I will read, "We're trying to conform our signs to a federal policy." Let me show how far this bill has to conform the signs, after we've created all the loopholes, to keep as many signs as we could. Major recreational areas; the national standard is the sign has to be 5 miles. What did we do? We said, "Okay, 100 miles. Let's do 100 miles. We're not going 5 miles." Non-profit colleges and universities - 15 miles. Okay, let's try and get as many signs up as we can. We're going to put no limit on this. Federal, state, and federal and state parks - they have 5 miles. Okay, we're going to try and keep up as many signs as we can. We're going to go 100 miles. Our policy is 100 miles. Again, the federal policy is 5. The federal policy on veterans' cemeteries, firefighters, police officers, and veterans' memorials - they don't allow them at all, but we want to keep ours up so we went 20 miles. The Transportation Committee bent over backwards to keep as many signs as possible. The reality is many of these signs are not allowed and if they are allowed then they should be a logo sign and they should pay for it.

I just want to read one thing from the Maine Turnpike Authority, and what it says is, "This bill establishes a uniform policy to comply with federal law" although we know we have stretched it and stretched it and stretched it, "Under this bill, signs with life in them will continue in the grandfathered status for 5 years." No sign is going down tomorrow morning. Five years before these non-conforming signs are going to go down. As far as the grandfathering, it says, "We cannot set policy based on claims of perceived unfairness." If MCI has a sign, then Hebron needs one. If Hebron gets a sign than Gould should have one. If Gould gets one, why not Erskine Academy. If Erskine Academy gets one why not John Bapst or NYA or Fryeburg or Kent's Hill or Foxcroft or Hyde or Washington or George Stephens or Lincoln or Bridgton Academy and goodness knows I'll be right down to the Revisor's Office for my Thornton Academy sign if this goes through. Once you stray beyond the immediate needs of the traveling public, there is no end to this issue. This is not about one sign. It is about a sign policy. Please vote to Indefinitely Postpone this amendment and any other amendment that comes up. Thank you very much.

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

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Mazurek.

Senator **MAZUREK:** Thank you Mr. President. Ladies and gentlemen of the Senate, just a comment or two regarding this issue. I've served on the Transportation Committee for 10 years and the sign issue has been with us for 10 years, that I know of, and probably goes back a long time before that. It's a very important part. Signs, basically, are there for a purpose and that's aid for the motorist. Not to advertise. Not to promote businesses or promote colleges or anything else. It's to aid the traveling motorist so they can get to their point of destination in the quickest way possible. I think that we have to be careful that we don't clutter our road signs. I don't know if anybody in here has ever taken a ride down to Connecticut or through the Connecticut turnpike, but I found it very interesting the last time I drove through Connecticut. I went through part of the turnpike and there were a number of signs, not really on the turnpike but off it. I got a kick out of one. It was a rather brightly colored one. I'll let you figure out what the meaning was. It said, "Have your next affair here." I couldn't quite figure out what they were trying to get at. I asked my wife and she looked at me like I could jump out the window. We have to be careful with signs. I think the state of Maine is known for its beauty, for its aesthetic value, and we don't want to clutter up our highways or our roads with signs that have become meaningless lately. After a while they just don't mean anything.

I'd just like to tell you, or have you look at the handout. Peter Mills, I think, makes a very good point here. This was a unanimous report from the Transportation Committee and it made it very clear that the sole purpose for public signs on the Interstate is to provide direction for travelers to destinations with high traffic. When there are too many official signs they become meaningless to motorists and ineffective for traffic management. This is why the federal law prohibits interstate signs be used for commercial, economic, or other private industries. Because federal law sets the national standard for all traffic control devices the federal highway administration, last year, warned Maine's Transportation Committee that non-compliance could ultimately result in the loss of federal aid funds. Flouting the federal law could jeopardize \$170 million per year in Maine's highway funding. I think that speaks volumes of why we have to be very careful, why we have to maintain what we have, and not ruin Maine for commercial purposes.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, just to reiterate the content of my amendment, it will grandfather existing signs. Existing signs. For the most part these signs have been in place along Interstate 95 for 25 plus years. They've been there for a long, long time. I think I'm being conservative when I say 25 years. It's probably much longer than that. As far as adding new signs to the Interstate 95 corridor, no. If we adopt my amendment and grandfather existing signs, signs that have been there for 25 years or more, and accept the guidelines set forward by the

Department of Transportation and the Turnpike Authority, future sign requests will have to meet that criteria. When you talk about a widespread proliferation of signs, number one, that doesn't exist in Maine anyways, even with the existing signs along Interstate 95. We've been very diligent here in Maine about not allowing billboard-type signs that we see in other states. I have a MG sports car and I go to Stowe, Vermont every fall and I get to Route 16 in New Hampshire and I see all the billboard signs and I say, "Geez, thank God we don't have those in Maine." The signs that we're talking about, dictated by this amendment, are signs that are already there and have been there for a very long time. Future requests to the Legislature for signage will have to meet this new criteria set forward by the MTA and the Maine Department of Transportation. In closing, I think that we should adopt the amendment, go with the language that was proposed to the Transportation Committee, and call it good. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Collins to Adopt Senate Amendment "A" (S-520). 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 (#573)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **VALENTINO** of York to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-520), **PREVAILED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-814), in concurrence.

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

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Maine's Ability To Attract Major Private Investments"

S.P. 738 L.D. 1835

Report "A" - Ought Not to Pass (7 members)

Report "B" - Ought to Pass as Amended by Committee Amendment "A" (S-516) (5 members)

Report "C" - Ought to Pass as Amended by Committee Amendment "B" (S-517) (1 member)

Tabled - April 11, 2014, by Senator PATRICK of Oxford

Pending - motion by same Senator to ACCEPT Report "A", OUGHT NOT TO PASS

(In Senate, April 11, 2014, Reports READ.)

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

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

Senator CUSHING: Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today in opposition to the pending motion. The underlying bill, Mr. President, offered Maine the opportunity to address a deficiency we have in attracting the type of major employers who would bring good paying jobs to Maine. If we accept the pending report we deny ourselves the opportunity to be on the radar screen for a number of major companies, the legatine type companies that, from time to time, Mr. President, make important decisions as to where they would bring their jobs. The Majority Report before us does not recognize that the investment of \$50 million for the creation of 1,500 jobs has cost factors that major employers have to consider. The Majority Report does not allow us to provide options in regards to energy costs. It does not allow us to provide options in regards to tax incentives, guarantees of financing. It does not allow us the opportunity for paycheck protection. It does not allow us the opportunity for retraining dollars. These are important issues.

If I may, Mr. President, just to give you an understanding of why this bill is important, in 2013 the state of Tennessee, which is ranked by CEO Magazine as the fourth best state to do business, landed four employers that generated over 5,900 new direct jobs. Companies like Aramark Uniform, Nissan, an auto parts supplier, Trisonic, and Hancock Tire, who I must say, Mr. President, has some really cool ads. More importantly, these are jobs that will generate \$65 million in direct payroll. The investment in the state of Kentucky is estimated to be at \$800 million. The average salary is estimated to be at \$38,000. Mr. President, this bill before us, unfortunately, denies us the opportunity to compete on the stage for those types of businesses. I would ask, respectfully, that the Body recognize that we're not going to be able to address the small and mid-sized companies that are important to our economy as start-ups through a bill like this, but we are going to address the type of spin-off jobs that come from major employers that would consider Maine if an opportunity like this existed.

Additionally, Mr. President, when we look at what this means to certain areas of the state, there are only two areas that this report does not currently allow consideration of these benefits for; one of them being at Brunswick Landing and the other being at the Loring Commerce Center. Currently there are over one million square feet at each of those locations available and that is why this bill was presented for the opportunity to do that. I would

just encourage my colleagues, Mr. President, to think about that and join me in voting no, or nay, on 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 heard the words Brunswick Landing mentioned, so I thought I'd just have to weigh in on this because we didn't ask for it, Mr. President. We did come to the Legislature in the 125th Legislature and we did ask for a tool. We asked to have a fee that was being charged to people that brought planes into the state of Maine for over 21 days to have repaired to be removed. We worked bi-partisanly, but the bill, in the President of the Senate's name at the time, Kevin Raye, because my party was no longer in the majority and I know the rules and if you go to the President of the Senate you've got a little bit more to say. I was able to go down to the Chief Executive and to the Taxation Committee and successfully lobbied for that bill. That bill took a giant black star that had been over the state of Maine for decades off the state of Maine. We started having planes fly into Maine to be overhauled. To go through some of these things, like this handout that I'm reading, we didn't ask for anything about getting rid of our unions or getting rid of Right to Work for Less or any of that. We didn't ask for any of that. We asked for the tool to remove the fee that was being charged to these planes. They gladly came to Maine, Mr. President. They gladly came to Maine and created over \$25 million worth of private capital investment, not only in Portland for the Jetport, not only in Bangor for the Jetport, but also in Brunswick Landing and many other of our 67 airports in the state of Maine. Worked very hard on that bill. I'm very proud of that bill because the amount of jobs that came out of that bill, not only in my community in Brunswick but throughout the state and Bangor. On the last election my friend, you know he's of the other party, Kevin Raye, championed as he walked around his district on that bill. He got a lot of support because he was the sponsor of that bill and created a lot of jobs out of that bill and a lot of private capital investment. It wasn't state subsidies. It was private capital. That's what I thought we were supposed to be doing. When I look at Brunswick Landing, especially, but I'll start saying Loring because we just recently put the Director of Loring on the Brunswick Landing development group, we also put the Executive Director from Brunswick Landing on Loring so we could have some cross pollination going on so we could help each other a little bit better because Brunswick, as this Body and the lower Chamber certainly understands, is the leading redeveloped military base out of the BRAC five rounds.

We have created over 50 new companies, most of them new to the state of Maine. We don't take companies from Topsham and move them to Brunswick. We take companies from Europe and bring them into Brunswick. Molnlycke Health Supplies, biggest in Europe, needed to expand and had the opportunity to move any place in Europe if they wanted, or any place in the world. They didn't come here looking for any subsidies. They didn't come here wanting the Right to Work for Less. They didn't want any of those things. They came to Maine because of the high quality of our workforce. They came to Brunswick Landing because I asked them the day they landed, as I do every company, "What brings you here?" It's not our climate, even though their climate is a little bit worse. It wasn't for Brunswick nightlife. We have a lot of great restaurants but we don't have a

lot of nightclubs, so they said, "No." It was because we had, on the property, a community college that was geared to training the workforce of the companies that we were attracting. We did that back in the 123th Legislature and we did it without a dime from the state. That college has no line item in the budget. I'm going to try to get one in sooner or later, but it doesn't have one currently because we couldn't afford it. What we did ask for back in 2008 was a bond and the Chief Executive at the time supported that. The Legislature supported that. The people supported that so that we could help that community college get ADA accessible because, the damndest thing, when we inherited this property in Brunswick Landing from the United States Military they expected sailors to run up and down stairs. They didn't have them accessible. They had narrow doorways because they expected their sailors to be narrow. They didn't expect that people that had challenges would be there. We had to get those buildings up to speed for ADA certification. Now that bond, we were very grateful to get that. We asked for \$10 million. The economy fell apart. We got \$8 million. Half of it, about half of it, went to the community college. Mr. President, we were using that money to get those buildings up to speed so that we could have students in so that they could be trained for these companies that we've been attracting and what happened? The current Chief Executive froze the bonds. The other half of that money was going to the Redevelopment Authority. Those bonds were also frozen. What we were using those bonds for, Mr. President, was to put electric meters on those buildings that we needed to get those businesses into because the Navy was the only employer, they were the only bill payer, so there was only one meter.

This Body gave us those tools. We asked for tools. We never asked for handout. We never asked to subsidize any of these companies. We never asked for those things. We were already a Pine Tree Zone. A military Pine Tree Zone, believe it or not. When I look at the handouts and I look at the bill I go, wait a minute. Are we asking for the authority to create all these tax incentives for big companies to come in and be able to pay lower wages? I thought we were supposed to be here to create jobs. In Brunswick, we certainly thought we were supposed to create good paying jobs so that our people weren't leaving Maine to go out-of-state to get those jobs. We were supposed to be creating those jobs here in Maine. When I read this legislation that's not what I'm reading. I'm very challenged by this. I'm certainly against it. I know every legislator that's even in earshot of Brunswick Landing is also against it because we know that the tools we needed we got. The last time a bond was passed for Brunswick Landing, and distributed, was by the last Administration, not by this Administration. The last money that came into Brunswick Landing from the state of Maine came in from the last Administration, not this Administration. The last time that we were able to get a bond passed, just last year, has been frozen, so that is going to have an impact on our college being able to train more people. We have the enrollment. We don't have the ADA buildings. We have the jobs coming here. When I look here and see airplane manufacturers. Well, I don't know about the people in this Chamber, but I do know that I went to the landing of the Tempest when they arrived here. Tempest is the leading airplane company for remanufacturing planes. When I go to Hangar Six, I've never asked for Right to Work for Less, never asked for any of the stuff that's in here, but when I go to Hangar Six I see a hangar full of big jets, jumbo jets. I see them being overhauled and I see the people that are working at those stations. Every week I go in to make sure they haven't stuck

them out. I go and I talk to them. I say, "What you making?" They are making good wages. I ask them what their benefits are. They're getting good benefits. Now that's without asking for this.

We didn't ask and we don't want to take because if we're going to start subsidizing corporation and subsidizing all this stuff I rather see it go to good paying jobs. We don't need to work really hard to create minimum wage jobs. They'll create themselves. In Brunswick the 50 new companies that we have, and you've got to remember we've only had possession for a couple of years now, are paying good wages. The 50 new companies that came here from away. Tempest came here from Florida and they're putting their headquarters here. I hear a rumor all the time that there's a company called Kestrel. It's not here. It's gone to Wisconsin because there was a tiff over a TIF. Well, I see people working for Kestrel. I asked the owner of the company, I said, "Have you been paying your payroll on time?" "Well of course I have. I have over a \$4 million payroll in Brunswick." That's some turkeys at Thanksgiving on tables. When I look at the companies that have come, when I look at the biggest medical supply manufacturer Molnlycke coming and building at Brunswick Landing, the largest manufacturing facility in New England in the last 10 years. When I look at what's going on and actually go there and actually go to the base, a base that hasn't asked for any of this. I haven't heard Steve Levesque ever ask me, "Stan, will you please put a bill in that will create all this?" He hasn't asked me to do that. That's why you don't see me anywhere near this and you don't see anybody else in my district anywhere near this. We haven't been asked by our local redevelopment authority of our base.

We would like to get the bonds released so we can do some more modernizing some of those buildings, but we're not asking for any extra money. We're not asking for any subsidizes about anything. The tools we asked for we asked for in 2008 and 2009 and we were given those tools. We needed to create some sort of a TIF for our college and our Redevelopment Authority because our Redevelopment Authority doesn't get a dime, not a dime, from the Legislature. It doesn't get any subsidizes for the redevelopment. It used to take 5,000 sailors to keep that base running. We've got 25 employees now doing it and putting on air shows. We have people out there working at new jobs in new companies that wouldn't have been here without that, but nobody ever asked me, Mr. President, nobody ever asked for any of these subsidizes. Nobody ever asked for any of these giveaways. Nobody ever asked for any kind of corporate welfare out there. They asked for tools to be able to work and that's what we did. That's what we're going to continue to do.

When you talk about Brunswick and you can't talk about Loring there's a problem. Loring's been closed longer and it's in a more difficult place to redevelop. We're working now on the tools that Loring's going to need and they're not about hand me this and give me that. They're really about give us the tools so that we could be as successful as they are in Brunswick. There's a reason that Brunswick is the leading, by every measurement and in every magazine, redeveloped base in the country. There's a reason for that. It's because the Legislature hasn't given us money but they've given us tools. They haven't given us, they haven't doled out money to us. They haven't done all these subsidizes that people are asking for. I think that it would be nice if I came and I asked for this, but I didn't because we don't need it and they've never asked for it. Now, working with Loring and cross pollination of their Directors and their boards, I think it's going to help them a lot because we can't shift things that we

can't absorb. We're running out of buildings. We're running out of land. Brunswick only has so much land to redevelop and build these factories on and we're running out of space because we're so successful at redevelopment. Hundreds and hundreds of jobs are there today that weren't there two or three years ago when I was here trying to get tools. Hundreds and hundreds of good paying jobs that don't have any of these requirements in them because nobody ever asked for them. They are high paying jobs. They're putting on benefits. You can go there and get trained at a community college. We took an idea with no money, and no Kings and Queens, just a good idea. We got the United States Navy to say that we could have six buildings, the best buildings on the base, and, if we could find the money to get those ADA accessible, we could have those buildings. We could build those buildings because what we needed was training and we got it. We got it through the Community College System and we didn't come to the state of Maine. We didn't come here and say we need the funding for it. We created a small TIF that's helped and we've been able to do it with just sheer Maine knowhow. We've been able to do it by rolling up our sleeves and putting some sweat equity into this. That's the way Maine's going to always develop. It's always going to develop on her citizen and her "can do" attitude. Not this kind of legislation, not this kind of statement where we're begging people to come here and we're going to give them everything to do it. Why would we spend \$50 million or \$100 million on jobs that are going to be creating minimum wage opportunities? We want our kids to graduate from our schools and graduate from our training academies to stay here in Maine, to work here in Maine, and to pay their taxes in Maine. You know, minimum wage jobs don't pay nearly as much taxes as good paying jobs and in Brunswick I'll get you a \$60,000 a year job, I'll get you benefits, I'll get you healthcare because that's what we're creating and that's because this Legislature, this Body, since the 123rd Legislature, both ends of the building, and up until recently the Chief Executive, helped fund this stuff, but we haven't had any help or anything coming out of this Administration except this kind of paperwork and I think that we're better off with just releasing our bonds, let us develop, let us work, let us create our jobs, and we've proven that we can do it and we're recognized all over this country, Mr. President, all over this country, in every magazine, as being number one. Not number two. Not number 37, but number one. Thank you very much and I want to thank the people on both sides of the aisle for listening to me brag about my hometown.

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

Senator **CLEVELAND:** Thank you Mr. President. Men and women of the Senate, what we're being asked to do here is consider to enact a very significant and different form of economic development in the state of Maine. It's targeted to very narrow and specific kinds of employers and businesses. The only companies or businesses that would be eligible are businesses that would employ at least 1,500 employees and have to invest at least, there would be at least a \$15 million project cost, not quite clear who's investing that money but it would be at least \$15 million. We're asking to make very considerable changes in our tax and energy policy and our labor policies to accomplish that. These two areas would be in only two sections in the state of Maine; one in the Brunswick area and one up in Loring in the Aroostook County. To accomplish this we are saying that what

we need to do, and of course these would only be for Corporate 500 corporations. I'm not quite sure who else would meet the criteria here, but they are certainly very large, most likely international corporations. What we're saying that we have to do is that we have to give 80% of the income taxes held by the employees in their paychecks, that would otherwise go to the state of Maine. For 10 years that's going to go back to the corporation. For another 10 years after that, 50% of the income taxes that they would pay would go back to the corporation. Those are revenues that we look to fund the central and major programs within the state of Maine, yet they would no longer come from the general benefit of the people of Maine. They would go to this single corporation. Therefore, if those revenues aren't coming somebody else will pay. We're being asked to give all sales taxes, give them a full sales tax exemption for any of the purchases or any materials or goods that they would buy and reimburse them for their expenses that they incurred to bring the businesses here for 20 years. This sales tax revenue would go into the General Fund and it would pay for essential services, many of which we talked about just a few minutes ago, ladies and gentlemen, that we said were so important. Yet we're going to not take that revenue in because maybe it's not important any more, our priorities have suddenly changed in the last few minutes. They would pay no corporate income taxes for the first 10 years. The next 10 years they would pay 50% corporate income taxes; again, revenues that we would use for essential services within the state of Maine. If businesses and individuals don't pay their share, who else pays it? The rest of us. Additionally, they want to take unlimited revenues from Efficiency Maine. It doesn't indicate any cap on it. It says whatever the difference is between the national average for a commercial business electric rates and what they pay, that difference is going to be paid for by Efficiency Maine. That can be many, many millions of dollars a year. This is a trust we set up to help businesses and residents in the state of Maine, small businesses become more efficient, more competitive, to lower their electric costs. We set up a program for those who were in the most desperate need this winter to try to just heat their homes. Are we taking the money from the lowest, poorest incomes and the small businesses that are trying to survive and be competitive because there's not unlimited revenue in that fund? If we're obliged to pay whatever those costs are that means it doesn't go for the other businesses and low income folks in this state who are desperately trying to heat their homes and pay their electric bills.

Further, we say that even though there is laws in the state of Maine that says individuals who are employed by a company, if they decide, can organize. In these two areas they don't have that right any more. Now I'm not suggesting that they ought to organize. I think people have a right not to organize and most employees don't, but I also very much support the right that people who feel they need to protect themselves by organizing should be able to do that. They should be able to take a vote. They should be able to decide for themselves if that's a better option for them. This forbids it in these two areas of the state.

We all know that most of the businesses in this state, 95% or so, are small businesses. Those are the ones who employ most of the folks in this state. We're setting up a new policy here just for the super large, yet we're taking those resources, as I mentioned before, that would otherwise might be available to help small businesses, particularly in those areas of the state, in Western Maine, Eastern Maine, Downeast Maine, and Northern Maine, who desperately need the support that we can give them.

There's nothing in this bill that distinguishes between wants and needs. Nothing. It doesn't say you need those funds. What it says is that you want them. Of course they would want them. Who wouldn't want to pay sales tax? Who wouldn't want to pay corporate income taxes? Who wouldn't want to go to their employees and say the taxes I'm obliged to pay on your behalf to support the services we all depend on, I'm going to take those too? Who wouldn't want it? I think if we're going to provide services we ought to distinguish between wants and needs. There's a big difference. If a corporation truly needs it, a small business in Maine truly needs it, and, but for some assistance, otherwise wouldn't locate or expand, certainly we ought to consider programs that would help them do that. In many cases these corporations are the same corporations who, on their balance sheets, have in cash hundreds of millions of dollars, cash. Yet they can't relocate to a state without giving away all of the revenues they would otherwise provide for the community at large.

You know there was a time not too long ago when all of us, individuals and businesses, understood we had a responsibility to our communities and to the state that we lived in, that we received the benefits of getting good education, public safety services, good highways, solid and vibrant communities, and that we all contributed something towards that. In today's world it's all about what do I get? How much money can I make? I'm not too worried about that small business down the road going out of business, or the schools don't have enough money to educate the kids because I'm a large corporation and I want this. I think we need to make a distinction here that we can create policies that large corporations say they demand and they want to make public policy in each area of the state that meets their wants or we can decide that we should set public policy based on what we think is in the general best interest of all of the people of Maine or we can be dictated to by the largest employers, the largest corporations, to say that's what your policies should be in your state, notwithstanding what you've already done.

I support jobs and growth and employment in the state as much as anyone else does, but I also recognize that my constituents tell me when I meet with them, "You guys are always giving money to the big guys but you never do anything for us." They probably say something similar to you. I've been here my whole life. I've been working this little corner store. I have this little manufacturing facility and I employ 25 people. I give back to the community. I support the Little League. I make sure I make contribution to my church. You don't do anything for me but I always see you doing something for the big guys.

I don't think this is a good and wise policy for the state of Maine. I think it redirects our resources in an area that is extremely limited. It doesn't distinguish between those who need it and those who want it and it really doesn't do a lot for the poorest areas of this state that are desperately looking for work. I would urge you to vote no on this proposal. Vote Ought Not to Pass.

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

Senator CUSHING: Thank you Mr. President. Ladies and gentlemen of the Senate, I'd like to thank my colleagues for some of their comments. I'd like to thank the Senator from Androscoggin for the thoughtful way in which he laid out his case and I respect that he puts a lot of time and thought into it. I'd like

to thank my good colleague from Cumberland for the fascinating history lesson on Brunswick Landing. I'm not a very good shot, Mr. President, but I will try to be a little closer to the target on some of the issues here than what may have been brought to light in that history lesson. The two places that this bill would address, if we were not supporting the current amendment before us and why I rise in opposition to that amendment, is due to the fact that it addresses two areas in the state that have been paid for by the taxpayers of this country and have seen dramatic job losses as a result of decisions totally out of our control here in Maine where those bases were closed. I commend the men and women of whatever party who made the important decisions and made the commitments, financially and otherwise, to see the redevelopment and the growth of jobs there. We want to see those small and mid-sized companies continue to grow and prosper here in Maine, but the problem, Mr. President, is there are limited opportunities because in a global market where Maine is located we don't have the type of resources, either geographically or economically, that some other parts of the state do. We do have very good workers. We do have over 2.5 million square feet that we are now helping to subsidize to maintain if and when companies would come to those locations. Most companies don't ask for a lot from government. They'd rather that we just left them alone and if we were to defeat the pending motion, and move onto the alternative report, we might have a good discussion about how we could help those businesses.

I want to remind folks that this is related to a company, a major manufacturer, that would bring 1,500 jobs and make an investment of \$50 million. In Maine right now, just as a reference, there are only 13 companies that employ 1,500 or more employees. A number of those are in the non-profit sector. Hospitals, which we certainly appreciate and need. Many of those are in retail or commerce. The type of jobs that I referred to earlier, Mr. President, that went to Tennessee, Aramark, Hancock Tire, Nissan, an auto parts manufacturer, those are producing a product that has derivative benefits, just as some of our small and mid-sized companies do here in Maine. I appreciate the spirit of entrepreneurship that would be alive in many of these start-up businesses that are going on at Brunswick Landing or Loring Development Authority. I also would appreciate it if we had some consistency in some of our thoughts on this. We had a bill before us earlier this week that addressed in, I think, a very harsh way how we would handle businesses that might have to leave this state in the call center industry. That's not germane to the point, so I'll try to stay focused, Mr. President, because there are issues here that are important.

When we talk about energy issues there are certain controls that we can and cannot have on energy. We're in a colder part of the country, so we require more heating opportunities. Efficiency Maine just received millions of dollars from a settlement that energy ratepayers have been paying. As I remember the committee's proposal was to put that into helping businesses. This proposal would use those dollars efficiently to lure the type of high energy use manufacturers to the state of Maine. My good friend from Cumberland referred to the previous legislation related to the exemption of aircraft and parts from tax. I appreciate the support that he gave to that. I wish he also felt comfortable when I approached him about signing on as a co-sponsor of this bill to be there, but for various reasons he chose not to and I respect that, but it was offered. I think that when we look at that bill it did create benefits, it created jobs, and it created spin-off jobs; upholsterers and cleaners and others had that opportunity. If we

accept this report, Mr. President, we couldn't even get into the benefits that might derive to our state if we considered offering this opportunity.

I, in my real life, serve as a real estate agent and we have something that we're taught about real estate. It's the law of substitution. That means if somebody can get something elsewhere at a better price that has almost everything they then they'd buy that rather than what you're trying to sell them. Right now, Mr. President, we don't even have something in the range of what a Boeing or an auto maker might look at because of the deficiencies in many of these categories. That's why I ask my colleagues here to join me in opposing this report. I thank you for your patience and letting me speak again.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I live, my hometown, in the town of Wells. A mere 70 miles north of Boston. When you think about it, you drive down what used to be referred to as Route 128. I'm sure most of us in this Chamber have, at one time or another, had to go down 128. I had to go down there quite frequently when I was in the food businesses. Nevertheless, a mere 70 miles south of where I live are all these new, some of them old, high tech industries. Most of the people that work in those facilities, most of the management in those facilities, vacation in Maine. They love Maine. Thank God, great revenue for the state of Maine. Tourism is one of our biggest industries here in Maine. It always kind of irked me that we never put up a program to go down and make appointments with these CEOs of these companies along the Route 128 corridor and say to them, "You know, you know what Maine's all about. It's a great place to vacation. You bring your family up and you go to the mountains or seashore or lake or pond. It's a great place. Why not move your industry up here?" "What have you got to offer?" Just a low crime rate, four season resort state, a wonderful place to live. "Well, Ron, I need some incentives." "Yeah, you need incentives." It's not a level playing field out there, ladies and gentlemen of the Senate. It's not a level playing field. Each state has their own incentives for attracting industry. Yeah, they'll pay for it. We want the new industry. They want the high tech industries in their state. They'll give some tax breaks. They'll give the incentives that were requested if you're the industry trying, but maybe tempted, to relocate here in the great state of Maine. Maine has a lot to offer. We'd better wake up and face the facts that it's a very competitive arena out there. When you try to attract new industry to Maine, what's in it for me? Well, that's life, that's the way it is. Maine industries come and go. We'd like to see new ones take their places. I would love to be part of a committee that goes down to Route 128 and talks to the CEOs. "Could I have just 15 minutes of your time, Mr. CEO, so I can give you a proposal?" They're going to come back to me and say, "Well, this is what I want." We don't know what they want until we go down there and find out. That's where we are with this bill right now. I encourage the Body to vote against the current motion and accept Report "B". Thank you, Mr. President.

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I stand in support of this Ought Not to Pass motion. This was a very interesting bill. In my estimation, it was probably an end of the session, late, politically motivated, corporate welfare bill. The bill had a great hearing. I learned an awful lot, a lot more than I ever had before, but, from the standpoint of what I look at it as, I think it is corporate welfare. This bill is, in my mind, probably a new corporate welfare model and probably it's used in every state. Every state aren't winners, Mr. President. As a matter of fact, a lot of them are losers. A lot of them are losers time and time again. Tennessee and Kentucky, a lot of times you'll read in the Wall Street Journal, that there'll be a factory on one side of the river. For 10 years they get all the benefits. They lose the benefits and they don't want to re-up them, they go across the river into Kentucky and they give them the benefits. What does the state actually gain? Yes, it had some jobs there, but you're shifting back and forth. The thing that I didn't like about this bill is there's a lot of things in it that are detrimental. This bill has parts in it that are going to give the electrical benefits to new companies over the old ones. We have fishing, farming, and forestry in this state, and I'll say right now, Mr. President, that the forest industry, especially the paper industry, could use those benefits because we're wondering how long they're going to survive. We have the CSSP program, Competitive Skills Scholarship Program. This bill was going to take basically all the funding from that and utilize that on new businesses, yet the CSSP program actually helps, especially mostly, women who need that opportunity to lift themselves up out of poverty.

In this bill it had the Maine Preference. I don't know how many times a friend of mine from Aroostook County put in bills that we should have Maine Preferences on everything and it's unconstitutional. Here we have it in this bill. It's amazing how all of sudden one time the ideas are terrible and the next thing you know it's a wonderful idea. Although I would give Maine Preference every day of the week. We talked about all the financials that the Senator from Androscoggin, Senator Cleveland, talked about. One of the questions I kept asking: with all these monies that we're giving out, and loans and all these different things, if the company leaves is there any claw-back? Can we get anything back if we actually don't get anything to benefit the state of Maine? Oh no, we didn't think of that. I'm sick and tired of giving funds to organizations, businesses, that move away, or go offshore, and take it with them and we get left holding the bag. Sooner or later we're going to wise up and have these claw-backs in them.

The thing that is really disgusting about this bill, Mr. President, is the Right to Work for Less aspect of the bill. During the whole public hearing, time and time again, everyone got up and said we have to have this, we have to have this, and I'd say, "Do you really have to have it?" It's a non-starter. It's going to be the Right to Work. My good friend brought up consistency. What has this Body done over the last 60 years, Mr. President? We voted down the Right to Work. I wonder why? The Chief Executive, in his first 2 years, had a Republican House and a Republican Senate.

Senate at Ease.

Senate called to order by the President.

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

Senator **PATRICK:** Thank you Mr. President. Like I was saying, in the 125th Legislature, with both Bodies in the Republican control and the Chief Executive's Office as Republican, we voted down the Right to Work for Less. Last session we voted down the Right to Work for Less, yet we have in this bill the Right to Work for Less. I am perplexed, Mr. President, that, at the last stages of this session, just like always, we have within the bill the Right to Work for Less. If anything in this bill doesn't shoot this bill down it's the embarrassment of having the Right to Work for Less for the third time. How many times are we going to say in the state of Maine we do not value our working men and women? That's what this says. We want to allow a company to come into Maine and be able to offer you next to nothing, with no benefits, because that's what, basically, the Right to Work is. Without any protections, all people's wages go down, Mr. President. This is a wrong economic development strategy for Maine. This is unrealistic and ineffective. We all want to attract companies bringing 1,500 jobs. The question is: is this the best strategy to do that and strengthen our economy? This approach is the economic development lottery, is what we have here. I actually am embarrassed for our state to continue down this path and I know for sure, Mr. President, I will not be supporting this bill. I was hoping that we would be able to work through this in committee, but having this as a non-starter, I was unable to move forward on a bill. There are several aspects of the bill that are beyond reason. It makes it so that I can't go there. Mr. President, I would ask all my colleagues, let's put an end to these Right to Work bills. Let's work together. Let's try to bring businesses back into Maine. Let's try to do things in a manner where we can lift up everybody. That's what my perspective is. I want to put out a ladder and lift someone up. I don't want to continually say to you that you're not value added. Mr. President, that's what that aspect of the bill does and I would like all my colleagues to vote with me on Ought Not to Pass. Thank you.

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

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, you've heard a lot about lowing wages. I just want to point out, as part of the bill, there was a competitive wage requirement for the region. That doesn't want to go unnoticed or unarticulated. This is very similar to the former Administration and some of the language that was in some of the Pine Tree Zones, as is my understanding. I think that's an important aspect that hasn't been articulated here this morning. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I am in favor of the motion. There's a number of reasons why I don't support the bill. The good Senator from Oxford just talked about the Right to Work for Less provision being first and foremost. Secondly, the only wage requirement is

the ETIF portion in this bill and if the company chooses not to use that incentive and employ 1,500 employees at a lower than average wage they still get the income tax and sales tax exemptions, plus access to increased financing for 20 years. Also there's the, as the Senator from Androscoggin, Senator Cleveland, talked about, the drain of the Efficiency Maine trust fund. Many people have worked very hard on that for a number of different things. To have one company come in and completely gut that whole program seems unfair to a lot of people. Another provision in the bill that I don't support is the fact that one company could get over \$400 million in bonding out of \$500 million or more in obligation bonds. It seems that we continually have conversations about what our bonding obligations should be and here we're going to allow one company to have access to over \$400 million in bonds. It seems to be unfair. Some of the things in the bill that, if it wouldn't be for all these other things, it was talked about earlier, if a site like this was running it seems certainly odd that if there was this provision with this bill enacted if you went to Loring or Brunswick you could have a call center and, if you had 1,500 employees, you could have claw-backs in it. We've heard a number of discussions about what an awful thing, job killer, it was to have claw-back provisions, but in these two sites this would be legal under this bill and it seems to be certainly odd that now that's okay. Like it was said earlier, the Maine Preference. I don't know how many times people in this Chamber have talked about how unconstitutional that was, what an awful thing it was to have Maine Preference. Now, magically, in this bill Maine Preference shows up and it's looked at as a good thing. I guess I'm just struck with how funny things can turn around here. I think this bill is a big Trojan Horse and we should get rid of it.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, the day's moving on. I'll be very brief. I started here four years under Governor King, eight years under Governor Baldacci. If you go back and look at what the business was in the state when I first came down here and what it is now, I'd be almost ashamed to say I've been here 14 years.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick to Accept Report "A", Ought Not to Pass. 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 (#574)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator PATRICK of Oxford to **ACCEPT** Report "A", **OUGHT NOT TO PASS**, **PREVAILED**.

Sent down for concurrence.

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

An Act To Clarify Telecommunications Regulation Reform
H.P. 1060 L.D. 1479
(C "A" H-740)

Tabled - April 9, 2014, by Senator HASKELL of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, April 3, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-740)**, in concurrence.)

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

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

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

An Act To Support Solar Energy Development in Maine
S.P. 644 L.D. 1652
(C "A" S-473)

Tabled - April 9, 2014, by Senator KATZ of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, April 3, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473)**.)

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

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

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

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

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

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

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

Off Record Remarks

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

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

Senator JACKSON: Thank you Mr. President. Back in 2012, the 125th Legislature made some changes to the Workers' Compensation laws that I disagreed with and last year I put in a bill to move those a little bit closer to what they had been before. At that time, there was numerous pamphlets going around talking about how this was going to cost the Workers' Compensation system extreme amounts of money by the Maine Chamber. In today's Portland Press Herald an article, a letter by Mr. Peter Gore who works in the Chamber, talks about what great things those were and I just wanted to state for the record that in that Mr. Gore talks about that two other points that the reader should keep in mind that, first, the recent reductions in Workers' Compensation rates has nothing to do with the changes made in 2012. Seeming to make the point that I said, that changing the law back to what it did would have done nothing to cost employers in this state any money.

On motion by Senator JACKSON of Aroostook, **ADJOURNED** to Monday, April 14, 2014, at 10:00 in the morning.