

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
Tuesday
April 15, 2014

Senate called to order by President Pro Tem Emily Ann Cain of Penobscot County.

Prayer by Senator Rodney L. Whittemore of Somerset County.

SENATOR WHITTEMORE: Good morning Madame President Pro Tem, fellow Senators, and ladies and gentlemen. Let us pray. Father in Heaven, on this day we pray for patience and endurance. Many of us are growing weary with all the hearings, meetings, and debates. We all have our own ideas about what should be said and how to say it. We all know whether a bill should be tabled, approved, or defeated. Today we pray for Your help to guide us in putting forward Your will in these matters. Let us be patient with each other, but not to the point where the people of Maine suffer. Make us uncomfortable as long as people are suffering and we have the power to alleviate that suffering. Lord, continue to guide us through Your spirit so we may do Your will. We ask through Jesus Christ, our Lord. Amen.

Pledge of Allegiance led by Senator Christopher K. Johnson of Lincoln County.

Reading of the Journal of Monday, April 14, 2014.

Doctor of the day, Chris Connors, MD of Cumberland.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

H.P. 1276 L.D. 1783

Report "A" - Ought to Pass as Amended by Committee Amendment "A" (H-809) (6 members)

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

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

In Senate, April 7, 2014, Report "B", OUGHT NOT TO PASS READ and ACCEPTED, in NON-CONCURRENCE.

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

Senator **HASKELL** of Cumberland moved the Senate **INSIST**.

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

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

Senator **CLEVELAND:** Thank you Madame President. Women and men of the Senate, I want to take this opportunity to give us one more chance to consider this bill. This is really a small business bill. It's been very carefully crafted to give protections that currently exist for all the rules and regulations under alcohol sales and distribution. As you know, it provides for an opportunity for a limited number of auctions by licensed auctioneers, primarily for wines that are collectables or rare wines and are generally not available through the normal distribution. It provides an opportunity to develop a new business model here within the state and it provides an opportunity for those folks who wish to collect, as for an investment, or to access rare and fine wines an opportunity that they don't otherwise do not have. Again, it provides all of the protections. It's a limited program. It's simply a pilot. It has a sunset provision that sets in two or three years. It provides for review of the program and there is ample opportunity, should any adjustments need to be made, to do that. I think it presents no harm at all and I think the Legislature should take it into consideration when authorities, required by a legislative Body, ask for new enterprise to be developed and we should take it seriously, particularly in light that it has been carefully crafted, and provide the opportunity for that to occur. I urge you to vote no on the Insist motion so that we can move to a different motion where we consider the bill.

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

Senator **TUTTLE:** Thank you Madame President. Members of the Senate, I hope that you would support the motion to Insist. I support entrepreneurship by small businesses in Maine. On the surface this bill, the desire to create an opportunity for access to wine, is commendable. However, as the bill is drafted and proposed to be amended, there are significant issues related to our present system. Increased licensing, enforcement activities, transportation of wine, and, from the public hearing, there is no clear definition of wine that can be auctioned. As I had mentioned to you before, I had four questions that I asked at the public hearing. Those questions have still not been answered. Does this proposal provide a method so that a manufacturer or supplier does not have excessive control or influence in shutting out

competition and promoting abuse of a product that provides the manufacturer with a profit? Is there a barrier between the manufacturer and the consumer? Does the proposal provide a way to ensure the State can officially collect taxes? Does the proposal provide for accountability? Would enforcement be able to hold someone who violates the provision of the auction law accountable? As of yet those questions have not been answered. I respectfully request that you support the motion to Insist. Thank you, Madame President.

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

Senator **MASON:** Thank you Madame President. I just wanted to stand and agree with my colleague, the Senator from York, Senator Tuttle. This bill in front of us right now is an exception to the three tier system. I'll remind the Body, Madame President, that the three tier system is what allows us to have a liquor contract. It's the rules that we follow and have accepted, as a Legislature, to make sure that the distribution process and the sales process and the manufacturing process is all kept separate and orderly and the State is at the center of all of that. This is far from a free market. This is a very regulated market. If we are going to change the rules we need to go about it very carefully. I'd also remind the Body, Madame President, that BABLO has committed to working with the sponsor of the bill and with the interested parties to make sure that this is the right fit going forward. I think this is something we can tackle in the 127th. I don't think it's ready for prime time and I would urge the Body to vote for the Insist motion. Thank you, Madame President.

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

Senator **PATRICK:** Thank you Madame President. Ladies and gentlemen of the Senate, colleagues and friends, I, too, rise in support of the Insist motion. As the third Senator on the committee, I have heard many times during this 126th Legislature that we should proceed with caution. This is one of those times, Madame President, that we should proceed with caution because there are potential adverse problems with the existing system that we have, with the existing businesses that we have within the three tier system. I don't know of anything that has changed from the last time we voted on this until this time. I would ask you to follow my light with the Insist motion. Thank you, Madame President.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Haskell to Insist. 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 (#575)

YEAS: Senators: ALFOND, BOYLE, BURNS, COLLINS, CUSHING, FLOOD, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, KATZ, LACHOWICZ, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, VITELLI, WHITTEMORE, THE PRESIDENT PRO TEM - EMILY A. CAIN

NAYS: Senators: CLEVELAND, CRAVEN, DUTREMBLE, GERZOFKY, JOHNSON, LANGLEY

ABSENT: Senators: WOODBURY, YOUNGBLOOD

27 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **HASKELL** of Cumberland to **INSIST**, **PREVAILED**.

Joint Order

The following Joint Order:

H.P. 1350

ORDERED, the Senate concurring, that Bill, "An Act To Amend the Law Governing Conflicts of Interest with Respect to the Public Utilities Commission," H.P. 1191, L.D. 1619, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ.

Senator **CLEVELAND** of Androscoggin moved to **INDEFINITELY POSTPONE** the Joint Order, in **NON-CONCURRENCE**.

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

Senator **CLEVELAND:** Thank you Madame President. The reason I move for Indefinite Postponement is that we happen to be a day late and a dollar short. The Governor has already vetoed the bill because the deadline was last night. We were hoping that we would be able to get this paper yesterday and bring it back to the Chamber so that we could amend it in a way that would please the Chief Executive. There will be a Governor's bill coming ASAP that does the same thing that we would have done with that, so this matter, in its current condition, is a moot point, so we will just dispense with it.

On motion by Senator **CLEVELAND** of Androscoggin, the Joint Order **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Expressions of Legislative Sentiment recognizing:

The Honorable H. Sawin Millett, Jr., of Waterford, on the occasion of his nearly 55 years of public service at the local, state and federal levels in Maine. Mr. Millett began his exemplary career as a teacher and coach at Carmel High School in 1959, after graduating from Bates College. He served as a teacher, coach and principal until 1971, having earned a Master's in Education from the University of Maine in 1967. He served as the Executive Director of the Maine School Management Association and was an Assistant Professor with the University of Southern Maine. Mr. Millett entered politics at the local level, serving as a selectman from 1963 to 1970 in Dixmont and as a selectman in his hometown of Waterford from 1986 to 1989. He served in the House of Representatives from 1969 to 1972 and for 4 consecutive terms from 2002 to 2010, during the last 3 as the lead House Republican on the Joint Standing Committee on Appropriations and Financial Affairs. Mr. Millett has also served 5 governors during his distinguished career. He served as the Commissioner of Education for Governor Longley from 1976 to 1979 and for Governor Brennan in 1979. For Governor McKernan he served as a Legislative Director from 1987 to 1989, as the Finance Commissioner from 1989 to 1991 and then as the Commissioner of the newly created Department of Administrative and Financial Services from 1991 to 1995. Mr. Millett served Governor King as a Policy Advisor in 1995 and as the Associate Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services from 1996 to 2000. He was Western Maine Regional Director for Senator Susan Collins from 2000 to 2002. Mr. Millett completes his long tenure of public service as the Commissioner of Administrative and Financial Services under Governor LePage, a position he has held for 39 months. We send our appreciation and best wishes to Mr. Millett for his many years of commitment to public service and his extraordinary efforts in serving the State and Nation;

HLS 927

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

READ.

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

Senator **FLOOD:** Thank you so much Madame President. I would like to speak to this item but I wonder if the Secretary would be willing to read the Sentiment first.

At the request of Senator **FLOOD** of Kennebec, **READ.**

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

Senator **FLOOD:** Thank you Madame President. Ladies and gentlemen of the Senate, it is an honor to speak about Commissioner Millett, the man honored in this legislative sentiment. First I want to just say thank you to Commissioner Millett, thanking him for teaching me and for teaching a lot of us things that he's learned over this long and esteemed career. In particular, teaching me how to and when to and where to and why and why not to do certain things when it comes to budgetary matters and, in particular, the fact that he taught these things with

kindness, with strength, flexibility, and always willing to tip his hand just a little bit on all the knowledge that he held. I also was very happy to have worked with the Commissioner as a member of the Appropriations Committee when he was the lead for the Republicans on the Appropriations Committee and he always treated the new guy as if I was his equal, which was a wonderful thing; a man of that talent and that caliber teaching and accepting the rookie as if he was an equal, which I never was and I never will be. I did also want to thank the Commissioner for his patience with the endless questions, the clarifications of not only I but members of the committee, in duties, requesting of him as committee members or as a Commissioner, the constant amount of questioning that goes on in that committee, always handling those with the greatest degree of diplomacy and his willingness to listen and respond with diplomacy is extremely admirable. Commissioner Millett is a gentleman who has the greatest memory of a person I've ever met. You ask him about a tax rate in Cumberland County in 1981 and he probably knows what it was. A tremendous recall memory. His devotion to his family, number one, and service is very, very admirable, certainly something that I emulate. I appreciate his friendship and also, in all the years that I've known him, his calming influence on our work and in the chaos that tends to surround the State House. His influence was one that brought a certain degree of calmness. Very, very innovative man and I will close by saying he has the best handshake in the business. I want to say how honored I am to have had the opportunity to work with Sawin Millett and learn from him and to learn it from such a great and kind man. Thank you very much.

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

Senator **KATZ:** Thank you Madame President. Men and women of the Senate, none of us is irreplaceable, or so the saying goes. I'm not sure that that is true and, unfortunately, I guess we're all about to find out. I think if you took a survey of everyone who had been in this building in the last 40 years and asked them who the most respected person was over that period of time I have no idea who would finish seventh, but I have a pretty good idea that it would be Sawin Millett who finished first. Dedicated public servant is a phrase that is over-used and sort of rolls off your tongue, but it's hard to think about three better words that describe Sawin Millett. I just want to give you one small example of that. About two months ago there was meeting of the Kennebec Leadership Institute one night after session, like 7 o'clock at night. It was snowing from 4 o'clock on. I was scheduled to appear in a panel and Sawin Millett was going to be on the panel as well. I was sure that he was going to go home, as he does every night to Waterford, and beat the snow storm. He was there that night because he wanted to give his take to these future leaders on what it was to be involved in state government. I was just amazed that he was there. He was given the opportunity to go first on the panel, which he did, but he stayed until the very end and then he drove home to Waterford, an hour and a half away, and this was in the middle of the budget, only to return to Augusta about nine hours later. I'm another rookie that is grateful for the patience he showed with me when I was on the Appropriations Committee. Again, I'm sure life will go on but it won't go on as well around here. It's been a privilege to know him. It's been an honor to work with him and he is a true

gentleman and I know we wish him all the best, Madame President. Thank you.

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

Senator **COLLINS:** Thank you Madame President. Ladies and gentlemen of the Senate, I served with Sawin Millett in the House of Representatives for a couple of terms and he sat right in front of me and I was a keen observer because he always seemed to have the right answer. I said, "Wow, this guy is phenomenal." I watched him closely because every time he got a little nervous about the right answer he would pull out tri-folded sheets of paper out of his pocket. I have to say, Sawin, I took liberties, I do the same thing, because he had different papers for different days, depending on what the agenda dictated. I do the same thing. My compliments to you, Sawin, for your public career and if you really truly want to go into retirement I suggest you get an unlisted phone number because I have an idea a lot of folks are going to be calling you for some answers. Congratulations and happy retirement.

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

Senator **CRAVEN:** Thank you Madame President. Men and women of the Senate, what comes to mind when I think or see Sawin Millett is his immense knowledge, his kindness, and certainly his generosity with the knowledge that he has, and his great fun sense of humor and his ability to tell wonderful stories; most of all his extraordinary service to the people of the state of Maine. Thank you, Madame President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Hill.

Senator **HILL:** Thank you Madame President. When I started working in Appropriations I had, of course, met Commissioner Millett before that, back in the House and then crossed paths with him a number of times over the years, but when I started working four years ago as a lead in Appropriations I came to realize that a person that I thought would just sort of give us information actually became more of a teacher and I think that's how I think of him because I didn't expect that. Now, after four years of learning much from him and his departure is upon us, I'm really concerned about how much I didn't learn yet and will that opportunity be lost forever. I wanted you to know that, Commission Millett. That's my personal feeling on it. As far as your role as Commissioner with Appropriations, I think you've been very professional and I am profoundly thankful for that. You've been smart, I wasn't surprised about that, but you've also been very respectful and that's made a world of difference because you've worked with us under some of the most difficult times and under some of the most difficult circumstances for all of us and you did it in a way that was especially something to be proud of. I have to tell you that a lot of the answers and solutions from Appropriations came from his filing system, which is what Senator Collins mentioned, the breast pocket. It would always amaze me how, no matter what the question was or what the problem was, he would show up and still, in that little pocket, he would have a solution. I think Appropriations is going to be every more so at lost for your filing

system. I wish you well. I hope you have a great time in retirement. Thank you so much.

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

Senator **PATRICK:** Thank you very much Madame President. Colleagues and friends, I stand up with pride to speak about H. Sawin Millett, my constituent from Waterford. I actually served with then Representative Millett, had a lot of respect for Representative Millett, and one thing I learned, the old analogy, you can agree to disagree but you don't have to be disagreeable, and that was always how Sawin was. For those of you that beat the drums of his public service and appreciate his long tenure of public service, especially as a Commissioner of Administrative and Financial Services under Chief Executive LePage, a position he held for 39 months, I hope you give thanks to me because it was at that time that I beat Sawin Millett in the race for the State Senate. A lot of the respect that he's gained over these 39 months is thankful to me that I was able to hold this seat. I just wanted to wish him enjoyment with his family, enjoyment with his friends, and enjoy many years of health and happiness in a long retirement. Thank you, Sawin.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Madame President. Ladies and gentlemen of the Senate, before I even thought about running for the Legislature, I never dreamed about doing that, I heard about this gentleman named Sawin Millett, who was a Commissioner, Representative. Lo and behold, I get elected and I come down here and one of the first people I meet was a legend, Sawin Millett. It was special to me because, as I said, I knew him before and I had great admiration then, I had it during our time serving together, and I still do today. He helped me learn, regardless of what party I was part of at the time. He always had patience and always time to talk to me. I know, as many of you, I drove him crazy, but at least I was being consistent. It's been my honor to serve with you, Sawin. Thank you, brother, for your time, mentoring, and, well, thanks for being Sawin. Thank you very much, Madame President.

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

Senator **GERZOFSKY:** Thank you Madame President. I want to rise today to honor Sawin Millett in a special way. It seems like I've known him forever and I've been going in front of him forever. Whether I was in the Majority or the Minority, it didn't much matter. I had to listen to his sage advice and I had to listen to what he was really saying. Quite often I walked away from a conversation knowing a lot more about that conversation than I walked in knowing. I always appreciated those moments. When you go in front of Appropriations and you want to talk about creating a college that doesn't exist, and you want to talk about doing it without any state appropriations, and Sawin Millett's on the other end, whether he's in the Majority or the Minority, he's still going to hold your feet to the fire and make sure you know what you're talking about and how you're going to do it. Then he's going to make sure that you do it the way you said you were going to do it. I always appreciated those kinds of things

happening when we went in with corrections; many years of blown up budgets. I know the President Pro Tem knows that. Over time it was not a pleasant conversation when you came into Appropriations. Working through all those problems and over the years working with Appropriations, but working with Sawin, and getting things done and getting things put right, I want to tell him how I truly have learned and appreciated, and always will, the relationship and the understanding of how government really works. Thank you very much.

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

Senator **VALENTINO:** Thank you very much Madame President. I want to say also that I rise today to honor Sawin Millett and I had the good fortune of serving two years on the Appropriations Committee with him. When I first came on the committee, of course, I had heard of Sawin and I had served in the House with him. I was a little intimidated and a little cautious at first, but it's amazing on what people bond over. I think that first thing that Representative Millett and I bonded over was food; our love of pastry. That was when my father was still alive and Dad would bring in huge boxes of pastry and we would set them up on the windowsill and, soon enough, Sawin and I would look over, like, "It's time to take a little break." We'd have a little whoopie pie or a cookie or something else and I think that really kind of softened the whole thing. There were certainly many other things that we had an opportunity to bond with, but that was certainly an icebreaker. I certainly want to say that we had an opportunity to bond on a very difficult vote and I appreciate his support very much on that. I also remember one evening, very late in Appropriations, when word came down that everybody should go home. Many people had left and were on the road because negotiations broke down and Senator Turner and Representative Millett said, "No, we're not going home." They went quietly in the back room and they worked something out and came back out and said, "We think we can get over this." I think it was his ability to stay at the table that I admired and worked through a difficult process to see it done. Sawin, I wish you the best on your retirement. Thank you.

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

Senator **BURNS:** Thank you Madame President. It looks like this is going to be a unanimous approval and I don't want to be left out. I just wanted to say a couple of words, ladies and gentlemen of the Senate, about Sawin Millett. You can't serve for 25 years on school boards without knowing who Sawin Millett was. I'd always heard about Sawin Millett because that's where our advice, more often than not, came from. I had my first experience, like many in this Chamber, when I came here in the 124th and he was in our caucus. I always appreciated the extensive and detailed explanation we used to get of the budget. I never understood him, but I always appreciated it. I'm not saying that I've improved any either. It's really been a pleasure to meet him and get to know him and there's something that many of you don't know about him. I served throughout my career with two of his brothers in the State Police. I can honestly say this man comes from good stock. Thank you.

PASSED, in concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the Chamber the Honorable H. Sawin Millett. Would he please rise and accept the congratulations of the Senate.

Joint Resolution

The following Joint Resolution:

H.P. 1348

JOINT RESOLUTION RECOGNIZING ORAL, HEAD AND NECK CANCER AWARENESS WEEK

WHEREAS, cancer is a disease that impacts nearly every one of us, with one in 3 men and one in 2 women expected to be diagnosed with cancer at some point in their lifetimes; and

WHEREAS, the American Cancer Society estimates that more than 100,000 Americans will be diagnosed with cancers of the head and neck this year, including thyroid cancer, and nearly 14,000 will die from one of these types of cancer this year; and

WHEREAS, less than 60 percent of all head and neck cancer patients will live 5 years following their diagnoses; and

WHEREAS, over 85 percent of all oral, head and neck cancers could have been prevented and only a small percentage of the people of the United States understand oral, head and neck cancer or its causes, its treatments or its prevention; and

WHEREAS, a significant number of individuals treated for oral, head and neck cancer encounters disability due to breathing, swallowing, speaking, physical and visual difficulties; and

WHEREAS, increased awareness of oral, head and neck cancer could result in earlier diagnosis, lower functional disability and higher survival rates; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize Oral, Head and Neck Cancer Awareness Week, April 14 to 20, 2014 in order to increase awareness of this health problem.

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

READ and **ADOPTED**, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 917

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

April 14, 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 Judiciary has had under consideration the nomination of Joan M. Nass of Acton, for appointment to the Maine Indian Tribal-State Commission.

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

YEAS	Senators	2	Valentino of York, Burns of Washington
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Crockett of Bethel, DeChant of Bath, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moriarty of Cumberland, Peavey Haskell of Milford, Villa of Harrison
NAYS		0	
ABSENT		2	Sen. Tuttle of York, Rep. Moonen of Portland

Rep. Mitchell of Penobscot Nation 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 Joan M. Nass of Acton, for appointment to the Maine Indian Tribal-State Commission be confirmed.

Signed,

S/Linda M. Valentino
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#576)

YEAS: Senators: None

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

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 **Joan M. Nass** of Acton for appointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

The Following Communication: S.C. 916

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

April 14, 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 Judiciary has had under consideration the nomination of Richard A. Gould of Greenville, for appointment to the Maine Indian Tribal-State Commission.

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

YEAS Senators 2 Valentino of York, Burns of Washington
 Representatives 9 Priest of Brunswick, Beaulieu of Auburn, Crockett of Bethel, DeChant of Bath, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moriarty of Cumberland, Peavey Haskell of Milford, Villa of Harrison

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 **Richard A. Gould** of Greenville for appointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

NAYS 0

ABSENT 2 Sen. Tuttle of York, Rep. Moonen of Portland

The Following Communication: S.C. 915

Rep. Mitchell of Penobscot Nation was absent.

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

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Richard A. Gould of Greenville, for appointment to the Maine Indian Tribal-State Commission be confirmed.

April 14, 2014

Signed,

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

S/Linda M. Valentino
 Senate Chair

S/Charles R. Priest
 House Chair

Dear President Alfond and Speaker Eves:

READ and ORDERED PLACED ON FILE.

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

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

- L.D. 16 An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure
- L.D. 62 An Act To Provide Additional Funding for Respite Care for the Elderly and for Adults with Disabilities
- L.D. 87 An Act To Improve Community Mental Health Treatment
- L.D. 126 An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations
- L.D. 180 An Act Concerning the Use of Tobacco Settlement Funds for Children's Health Care
- L.D. 228 An Act To Authorize a General Fund Bond Issue To Reduce Energy Costs by Weatherizing and Upgrading the Energy Efficiency of Maine Homes and Businesses and To Create Jobs by Providing for a Trained Workforce for Maine's Energy Future
- L.D. 273 An Act Authorizing a General Fund Bond Issue To Fund the Dredging of Casco Bay and the Expansion of the Portland Fish Exchange

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 (#577)

YEAS: Senators: None

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

- | | |
|--|---|
| <p>L.D. 294 An Act To Authorize a General Fund Bond Issue To Construct a Facility To Assist Maine Agriculture in Control of Animal and Plant Diagnostics</p> <p>L.D. 295 An Act To Authorize a General Fund Bond Issue To Provide Weatherization Rebates for Veterans and Persons Eligible for Social Security</p> <p>L.D. 360 An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine</p> <p>L.D. 378 An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Pier at the Gulf of Maine Research Institute</p> <p>L.D. 488 An Act To Improve Access to Home-based and Community-based Care in the MaineCare Program</p> <p>L.D. 513 An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future Board and Training Facilities for Tourism-related Training in Labor Market Areas with Higher-than-average Unemployment</p> <p>L.D. 549 An Act To Allow a Person Who Is 21 Years of Age or Older To Expunge Certain Criminal Convictions</p> <p>L.D. 707 An Act To Provide Assistance to Maine's Dairy Farms</p> <p>L.D. 781 An Act To Authorize a General Fund Bond Issue To Fund the Construction of a New State Archives Facility</p> <p>L.D. 864 An Act Regarding Service of Small Claims Notices</p> <p>L.D. 874 An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Shipping for Maine Businesses, Attract Tourists and Facilitate the Development of Commuter Rail Transportation</p> <p>L.D. 925 An Act To Authorize a General Fund Bond Issue for Riverfront Community Development</p> <p>L.D. 928 An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality</p> <p>L.D. 939 An Act To Restore Maine's Groundfishing Industry</p> <p>L.D. 1010 An Act To Authorize a General Fund Bond Issue To Ensure Clean Water</p> | <p>L.D. 1011 An Act To Authorize a General Fund Bond Issue To Upgrade Facilities and Purchase Classroom Equipment for Maine's Seven Community Colleges</p> <p>L.D. 1036 An Act To Amend the Social Work Education Loan Repayment Program</p> <p>L.D. 1052 An Act To Authorize a General Fund Bond Issue To Improve Intermodal Infrastructure</p> <p>L.D. 1090 An Act To Authorize a General Fund Bond Issue To Expand Nursing Programs at Maine's Seven Community Colleges</p> <p>L.D. 1101 An Act To Authorize a General Fund Bond Issue To Support Waterfront Development</p> <p>L.D. 1105 An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Downtowns through Innovative Business Development and the Creative Economy</p> <p>L.D. 1125 An Act To Authorize a General Fund Bond Issue To Expand Public Water Infrastructure to Areas with Contaminated Well Water</p> <p>L.D. 1157 An Act To Establish the Fair Chance for Employment Act</p> <p>L.D. 1163 An Act To Authorize a General Fund Bond Issue To Fund Main Street and Downtown Economic Development Projects</p> <p>L.D. 1188 Resolve, Directing the Department of Health and Human Services To Amend Its Rules of Reimbursement under the MaineCare Program for Audiology and Speech-language Pathology Services</p> <p>L.D. 1418 An Act To Authorize a Matching General Fund Bond Issue for Improvements to the Seven Community College Campuses</p> <p>L.D. 1492 An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Economy and Communities</p> |
|--|---|
- We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.
- Sincerely,
- | | |
|----------------------------------|---|
| S/Sen. Dawn Hill
Senate Chair | S/Rep. Margaret R. Rotundo
House Chair |
|----------------------------------|---|
- READ and with accompanying papers ORDERED PLACED ON FILE.**
-

The Following Communication: H.C. 419

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

April 14, 2014

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

Dear Secretary Grant:

House Paper 1165, Legislative Document 1594, "Resolve, To Review and Make Recommendations on Challenges, Gaps and Inefficiencies in Maine's Emergency Crisis Hotline and "Warm Line" Services," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

92 voted in favor and 53 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 914

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

11 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 1631, "An Act to Clarify What Constitutes a Contribution to a Candidate."

Last month, the Legislature rejected LD 1834, "An Act To Require the Commission of Governmental Ethics and Elections Practices to Make Public Declarations following a Determination of a Campaign Statements Falsity." With that bill, I sought to bring

clarity to Maine's elections by bringing truth, honesty and integrity to the election process. Instead, this bill comes to my desk claiming to bring "clarity" to campaign rules. LD 1631 would do exactly the opposite and would drag Maine's elections into even muddier waters.

LD 1631 would consider any expenditure made by a "key person"—someone who has been affiliated with a campaign in the last 120 days—as a contribution to the candidate. Contributions to candidates must be reported by candidates' campaigns.

The definition of "key person" would include "a person to whom the candidate or candidate's political committee gives express or implied authority to act on behalf on the candidate or candidate's campaign." This definition is far too broad. Consider this:

Candidate X is approached by a citizen, whom the candidate barely knows, and is asked if the citizen may tell the local garden club that she supports Candidate X's policies on marigold planting. Candidate X nods appreciatively at the citizen's offer. Citizen has no further contact with Candidate X. 119 days later, the citizen sends a postcard to all garden club members urging support of Candidate X without his knowledge.

If this bill were law, these facts could be the basis for a complaint to the Ethics Commission for Candidate X's failure to include the cost of the postcard mailing in his contribution reporting. Even if common sense eventually prevailed, the filing of a complaint could be extremely damaging to a candidate's campaign.

This bill would restrict many people very loosely affiliated with a campaign or candidate from making independent expenditures or exercising their constitutional rights to fully participate in the democratic process. I believe it would also lead to a flood of frivolous ethics complaints and further exasperate already prolific dirty campaign tactics.

For these reasons, I return LD 1631 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 Clarify What Constitutes a Contribution to a Candidate
S.P. 622 L.D. 1631

The President Pro Tem 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 (#578)

YEAS: Senators: ALFOND, BOYLE, CRAVEN, DUTREMBLE, GERZOFSKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, SAVIELLO, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT PRO TEM - EMILY A. CAIN

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 20 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.

The Following Communication: H.C. 417

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

April 11, 2014

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

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 1252, "An Act To Improve Maine's Economy and Energy Security with Cost-effective Technologies."

The bill imposes a new tax on residential and commercial electric bills to force Efficiency Maine Trust to continue a solar program, which was suspended last fall after it was determined the program was not cost-effective.

First, residential electric bills have increased this year by more than 11 percent in Central Maine Power's service area, more than 13 percent in Emera Maine's Bangor Hydro Electric's service area and 16 percent in Northern Maine. This is a

particularly painful time to impose an additional tax on electricity. Energy taxes are regressive and disproportionately hurt our low-income households. This bill would impose the tax on thousands of hardworking families just to provide the few who have the means to purchase a \$20,000 solar system with a rebate of an estimated \$2,000.

Second, I am discouraged that after a colder than usual winter the Legislature has not worked to help people stay warm. I have proposed using existing funds from the harvest of timber on Maine's public land to support efficiency and make it more affordable for Mainers to use natural gas, heat pumps, wood pellets or high-efficient oil systems, all of which have enormous potential to actually keep them warm at a lower cost. This could make a difference in the energy challenges that Mainers are facing and should not be a partisan debate. I acknowledge that this bill does propose a new low-income heat pump program that could cut down energy bills. However, this should be considered under existing funding at Efficiency Maine Trust or could have been funded with the harvest of public lands.

We have the 12th highest energy rates in the nation. Our energy challenges are massive and were acutely illustrated this winter. We need to reduce our energy rates, not add to them. This bill overrules a policy decision made by Efficiency Maine Trust, taxes Mainers by \$1 million and unilaterally selects solar above other solutions that have proven to be more cost-effective. This is bad energy policy.

For these reasons, I return LD 1252 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 Improve Maine's Economy and Energy Security with Cost-effective Technologies

H.P. 886 L.D. 1252

Comes from the House, 105 members having voted in the affirmative and 41 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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**.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The 99th Anniversary of the Armenian Genocide. On April 24, 1915, a campaign was launched by the Turkish regime of the Ottoman Empire against the Armenian people, resulting in the death of more than 1.5 million Armenians. Some of the survivors settled in the State of Maine, and their heirs have made significant contributions to the State. We join our citizens of Armenian heritage in remembering this event, and we express our deepest sympathy for the families of those who perished;
SLS 939

Sponsored by Senator HASKELL of Cumberland.
Cosponsored by Representative: RUSSELL of Portland.

READ.

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

Senator **HASKELL:** Thank you very much Madame President. It's a pleasure to stand here today and to talk a little bit about this sentiment. I think one of the things that occurs in our lives as we all get busy is we don't always know everybody's story. We don't know the things that are part of how people became who they are, even when we stand here and recognize someone like Commissioner Millett. There are folks who might not have walked the path that he's walked, maybe don't know all of those things that went on in his life. I think that's consistent when we talk about items like this today. That is that we don't know what the depth of history is, what the story is, what brings families to our country, and what makes them such active citizens in participating in our government and in items that are going on in their community. It's my pleasure today to recognize the community, the Armenian community, who is here today and to understand and recognize, again, what the struggle is that is part of their history and what the bright future is as they are here and with us and part of our community and part of our hearts and we're glad to have them here today, Madame President. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber members of the Armenian community. Would they please rise and accept the greetings of the Senate.

The following members of the Hodgdon High School Boys Basketball Team, on their winning the 2014 Class D State Championship: players Keegan Gardner, Deyrell Vargas, Sam Horton, Anthony Mazzacco, Jordyn Merritt, Chris Hudson, Daden Palmer, Blake Woods, Devin Quint, Tyler Sherman, Kyle Ramsey, Kevin McAfee, coach Rob Smith, assistant coach Seth Dorr, manager Valerie Estabrook, volunteer Sean Molloy and statistician Kara Wright. We congratulate the team on its achievement and send the members our best wishes;
SLS 940

Sponsored by Senator SHERMAN of Aroostook.
Cosponsored by Representative: FITZPATRICK of Houlton.

READ.

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

Senator **SHERMAN:** Thank you Madame President. This is some heavy weight stuff here this morning and this has to do with the basketball team that won the State Championship, Hodgdon High School. I do have my own Sawin Millett story. I've known him for a number of years, as you all have, and he was standing by the elevator with Richard Rosen when I came up the elevator. I saw that he had been a coach at Carmel High School in 1959. I said, "Sawin, what was your record?" He said, "Well, we had a good team last year, but I had to get a lot of books and I did a lot of reading and I drew up some diagrams about plays and that sort of thing." He didn't give me his record but he said, "We won a few games." You're talking how many years ago? It was 1959 to 2009 and he still remembers his coaching days. I'd like to see what the IQ of the man is. Probably this room wouldn't match it as a group. Having said that, I wish to honor the Hodgdon High School boys' team. They won the State Championship. They were runners up in Eastern Maine last year, beaten by a club named Mountain Valley. I'll be very brief about this. If you run down through the list of names there is a gentleman by the name of Tyler Sherman, who happens to be my grandson. The son of my son I call him. Very good basketball player. He's an honor society person. Accepted at the University of Maine at Orono in engineering. The other person on there, and we're going to have a banquet on this, is a gentleman by the name of Chris Hudson. He's a junior. They have All State basketball team. The Bangor Daily does it. This is a Class B school and he was, I think, the only individual, there were two individuals, one for Houlton, a Bouchard boy and Chris Hudson made the All State team. Really good kids and epitomizes what basketball may be all about. We'll hear a little more about this later when we have the banquet, but I thank you for putting this on the record. Unfortunately, they couldn't be here. A couple of weeks ago we tried to get them down and they are actually doing Academic Olympics of some sort. It all worked out in the end and they are probably happy they didn't do a ride through the rain. Thank you very much.

PASSED.

Sent down for concurrence.

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 Penobscot, Senator **CAIN** to her 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, To Eliminate Financial Inequality in MaineCare Reimbursement for Community-based Behavioral Health Services

H.P. 1164 L.D. 1593

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-829).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-829).

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

READ ONCE.

Committee Amendment "A" (H-829) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015" (EMERGENCY)

H.P. 1280 L.D. 1788

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-830).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-830).

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

READ ONCE.

Committee Amendment "A" (H-830) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Address Preventable Deaths from Drug Overdose" (EMERGENCY)

H.P. 1209 L.D. 1686

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-711).

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B"** (H-712).

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A"** (H-711) Report.)

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-712) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-712) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-831) thereto.

Reports **READ**.

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

Senate

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Provide Former Employees of the Maine Military Authority the Ability To Sue for Severance Pay" S.P. 740 L.D. 1837

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-524)**.

Signed:

Senators:

TUTTLE of York
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
FOWLE of Vassalboro
LONGSTAFF of Waterville
SAUCIER of Presque Isle
SCHNECK of Bangor

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

Signed:

Representatives:

BEAULIEU of Auburn
GIFFORD of Lincoln
KINNEY of Limington
TURNER of Burlington

Reports **READ**.

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

ENACTORS

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

Emergency Measure

An Act To Provide Additional Authority to the State Board of Corrections

S.P. 730 L.D. 1824
(C "A" S-511)

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

Acts

An Act To Reform Regulation of Consumer-owned Water Utilities
S.P. 710 L.D. 1784
(H "A" H-817 to C "A" S-484)

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

An Act To Establish Submission Requirements for Wind Energy through Rulemaking

S.P. 692 L.D. 1750
(C "A" S-483)

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

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

H.P. 1320 L.D. 1831
(C "A" H-814)

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 York, Senator Collins.

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is the much talked about Interstate 95 corridor sign bill. We last acted on this bill when I tried to apply an amendment to it last Friday that narrowly, almost made it. It was a vote of 18-17. However, moving on to the actual bill, I'm going to be voting against this bill and its Enactment primarily for the reason that if we vote it down everything stays the same. We've had some signs that have been in place along the 95 corridor for well over 25 years. Everything stays the same. The signs remain up. As far as policy on new legislation, I tried, with the amendment, to grandfather existing signs and have the policy remain, but that didn't happen. In closing, I'd just like to say that I hope I can count on the folks that voted with me the last time to vote no on L.D. 1831. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you very much Mr. President. Men and women of the Senate, I rise today just to speak very briefly on this bill. We had a very lengthy debate on the amendment last time. I do want to remind this Body that at the time it was a

unanimous committee report out of the Transportation Committee to go forward with the Committee Amendment on it. Last year the Transportation Committee asked the Maine Turnpike Authority and the Maine Department of Transportation to do a report. They did an extensive report. They did pictures of all of the signs up and down the Turnpike. We asked them to do this report to try and put us in compliance with federal guidelines. We stretched the federal guidelines as much as we could to keep as many signs. This is a five year plan. No signs are coming down tomorrow morning. This is a phase out of signs that committee felt would be either moved to another location closer to their exits or that would qualify for logo signs. I don't think that people should be getting free signs on the Turnpike for advertising when they do quality for a logo sign. It's a matter of fairness and I think this is an extremely fair bill that was worked by the Transportation Committee with a unanimous report and is fully supported by the Maine Turnpike Authority and the Maine Department of Transportation. We asked them to do this. They did it. Please support the committee and please support these Bodies. Thank you.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, the Transportation Committee did commission two agencies, the Maine Turnpike Authority as well as our own Maine DOT, to come back with language to help us in future legislation dealing with signs. However, I do not remember us telling them to come back with recommendations for taking signs down. That's what they came back with and that's what I have a problem with. As I mentioned previously in my testimony, the signs that have been there for a very long time should remain there and I would strongly recommend a no vote on this bill. Thank you.

THE PRESIDENT: The pending question before the Senate is Enactment. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#579)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

Resolve

Resolve, Directing the Public Utilities Commission To Study the Potential Benefits and Barriers Involved in Making Renewable Thermal Technologies Eligible for Qualification in Maine's Renewable Energy Portfolio Standard

S.P. 542 L.D. 1468
(S "B" S-510)

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

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Public Law

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Achieve the Savings Required under Part F of the Biennial Budget and To Change Certain Provisions of the Law for Fiscal Years Ending June 30, 2014 and June 30, 2015" (EMERGENCY)

H.P. 1349 L.D. 1858

Reported that the same **Ought to Pass**, pursuant to Public Law 2013, chapter 368, Part F, section 3.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-833)**.

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

READ ONCE.

House Amendment "B" (H-833) **READ** and **ADOPTED**, in concurrence.

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 919

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

April 15, 2014

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

Dear President Alford and Speaker Eves:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 276 Resolve, To Improve Access to Oral Health Care for MaineCare Recipients
- L.D. 804 An Act To Improve Preventive Dental Health Care and Reduce Costs in the MaineCare Program
- L.D. 998 An Act To Provide Consistency in the Application of the Property Tax Exemption for Religious Organizations
- L.D. 1287 An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers
- L.D. 1445 An Act To Facilitate Children's Testimony

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

Sincerely,

S/Sen. Dawn Hill
Senate Chair

S/Rep. Margaret R. Rotundo
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication: S.C. 918

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

14 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 1663, "Resolve, To Require New Contracts for MaineCare Nonemergency Transportation."

This resolve requires the Department of Health and Human Services to cancel an existing request for proposals for nonemergency transportation services, issue a request for proposals with specific scoring criteria liked by some Democrats, then have the new contractors in place and working in less than three months following the date on which this resolve would go into law.

The ignorance of the timeline for a request for proposals and subsequent contracting process is astonishing. However, the more important issue is the negative impact this resolve would have upon the State's contracts moving forward. What company would want to bid on a Maine request for proposals or enter into a contract with the State if they felt the Legislature would—on a whim—cancel the request, terminate the contract or defund vendor payments? Without some acceptable level of certainty, no business would take that risk. This resolve would significantly decrease the quality of the bids we receive in the future. That is an irresponsible and unacceptable business decision for the State of Maine.

For these reasons, I return LD 1663 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 Resolve:

Resolve, To Require New Contracts for MaineCare Nonemergency Transportation

S.P. 658 L.D. 1663

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to rise and say that I think that we certainly should Override this bill. The fact that we had a contract that was consistently underperforming. There were people that were left by the side of the road, quite literally, since July. We have not seen anyone raise their standards in this contract. I think it's just unfortunate that we've continued to keep this contractor working even though we've given them every opportunity to clean up their act and they haven't done it. I realize that there are only a couple of months left in the contract, but this type of poor performance should not go rewarded. In no situation, and no business situation, would anyone continue to operate with this type of poor standards and I think that it's just unfortunate that we haven't come together and said that this is not the type of service that we're asking for our constituents in this state and I would ask you to Override this veto because I think our constituents are more important than anything else. With this contract we have not given them the best services that we could have.

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

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, I just wanted to say that I think I'm dismayed that the Chief Executive would say outright that this bill was filed on a whim. The services that were offered through those contractors, those brokers, were not just inefficient but dangerous. When a child gets to ride in a taxi cab without safety seat and with somebody who is addicted to drugs, I can't imagine why the Chief Executive would imagine that being a good quality for the dollars that we were spending on this particular broker, which was \$28 million. Besides that, they lost a person one day and there were hundreds and hundreds every single week that didn't get their ride that they asked for and called for. I would ask that every taxpayer in this room would be prudent about the way their dollars are being spent and vote to Override. 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 (#580)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 20 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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

ENACTORS

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

Act

An Act To Establish a Process for the Implementation of Universal Voluntary Public Preschool Programs for Children 4 Years of Age

S.P. 577 L.D. 1530
(S "A" S-518 to C "A" S-508)

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

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 (3/28/14) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Enhance the Stability and Predictability of Health Care Costs for Returning Veterans and Others by Addressing the Issues Associated with Hospital Charity Care and Bad Debt"

S.P. 631 L.D. 1640

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-464)** (8 members)

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

Tabled - March 28, 2014, by Senator **CRAVEN** of Androscoggin

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

(In Senate, March 28, 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 (#581)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-464) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

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

Tabled - April 10, 2014, by Senator **HASKELL** of Cumberland

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

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

(In House, April 9, 2014, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in **NON-CONCURRENCE**.)

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

Under suspension of the Rules, **READ TWICE**, without reference to a Committee.

On motion by Senator **CUSHING** of Penobscot, Senate Amendment "A" (S-525) **READ**.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, this bill was submitted to make some adjustments to prior legislation, which unfortunately did not make it through the process. It recognizes the good work of the Board of Labor Mediation to find a solution to properly upgrade the funding for labor mediators. What you see before you is a fiscal note which is for allocation of funds. It is not from the General Fund. The mediation process bills the parties and that money is then allocated to pay the individuals who serve as labor mediators. We've worked hard to get this in this posture and I thank all parties who have worked with us and would certainly appreciate your support.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I agree with the good Senator from Penobscot, Senator Cushing. This amendment will help the bill. I'm a little disappointed with how the bill originally got here. I much prefer the bill in its original form, but that didn't pass muster with the second floor. Therefore, enabling us to do good where it needs to be done, this amendment and this bill will at least suffice to doing at least some good in an area that is much needed. Thank you, Mr. President.

On motion by Senator **CUSHING** of Penobscot, Senate Amendment "A" (S-525) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-525), in NON-CONCURRENCE.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine (EMERGENCY)

H.P. 1343 L.D. 1856

Majority - **Ought to Pass**, pursuant to Public Law 2011, chapter 699, section 3, subsection 5 (11 members)

Minority - Ought to Pass as Amended by Committee
Amendment "A" (H-821), pursuant to Public Law 2011, chapter 699, section 3, subsection 5 (1 member)

Tabled - April 10, 2014, by Senator **TUTTLE** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS**, pursuant to Public Law 2011, chapter 699, section 3, subsection 5, Report, in concurrence

(In House, April 9, 2014, the Majority **OUGHT TO PASS**, pursuant to Public Law 2011, chapter 699, section 3, subsection 5, Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.)

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

On motion by Senator **TUTTLE** of York, the Majority **OUGHT TO PASS**, pursuant to Public Law 2011, chapter 699, section 3, subsection 5, Report, **ACCEPTED**, in concurrence.

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

On motion by Senator **VALENTINO** of York, Senate Amendment "C" (S-522) **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 York, Senator Valentino.

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, I rise today on this amendment just to let you know that this does not change almost anything in the Committee Amendment. If anything, it changes really a couple of words that said "if a market exists". We heard an awful lot of debate on all of the gaming bills and everybody on both sides said that we needed a comprehensive plan. A feasibility study was not the focus but a comprehensive plan was. All this amendment does is keep everything that is the Committee Amendment but changes "if a market exists" to basically to looking at a potential framework that looks at it. It added a few other items for them to look at. I think that if we're spending \$150,000 on a report we need to do a full report on it. We don't need to just stop at the market analysis. We need to do a potential for a framework for a comprehensive plan. That's what we heard over and over and over again on the debate on the initial gambling. All this is doing is saying if you're going to have a report done to do a complete report. I will say that I have talked with the chair of VLA and he totally supports this amendment, as does the good Senator from Oxford. I have also run the amendment through a lot of the stakeholders, the tribes, the horsemen, the commercial racetracks. They all support the amendment. The general feeling is if we're spending \$150,000 let's do a full report that looks at a comprehensive plan, which is exactly what we talked about, which is exactly what everybody said that they wanted to see; a comprehensive plan. I would urge you just to vote for this addition, really, to the Committee Amendment to do the whole thing and do it all at the same time. Thank you very much, Mr. President.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I think that what we have before us is a chance to do a truly unbiased study of gaming in Maine. However, I do disagree with the Senator from York in regards to this amendment. The amendment, in my opinion, creates preference and under Section I of the proposed amendment it says that the study must consider previous legislation submitted to the 126th Legislature by entities seeking licenses to operate casinos. Mr. President, that creates a preference. I think the study needs to be without bias and without preference as we move forward because the only three bills that were asking to operate casinos in the state were those that would be operated by the Passamaquoddys, the Maliseets, and by Scarborough Downs. We had a myriad of bills that we looked at this year and I think once you crack the door open for certain groups that other groups will start to come in and, in fairness, would need consideration. For example, on a smaller scale, we had a bill that would have looked at creating slot parlors in all of the veteran's organizations in the state. Veterans are not included in this amendment. As I said, Mr. President, once you open the door you can't close it. We had a study commission that really this Resolve came out of. The study commission failed because the stakeholders couldn't agree. I think what you're going to find is there's going to be a lot of fighting from stakeholders that really would like to see their interests looked at when they're not being looked at this amendment. I'm concerned that this amendment is assuming a conclusion and running with it. I would point out that the way the study was passed out of committee was passed nearly unanimous, an 11-1 vote, and I would urge a vote against the adoption of this amendment. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you very much Mr. President. Men and women of the Senate, I won't belabor the point. I just wanted to call your attention to a slight clarification. This is the second amendment that I have put in. The first amendment did use the word "consider". That word was taken out. It's now saying "looks at". The first amendment I had put in did say that there would be preference given. That has been taken out also. There is no consideration. There is no preference. This is just a laundry list of things that people should look at, which I think would be due diligence on any report that they are doing. Those have been specifically omitted from this, the second amendment, which is before you, not the first amendment. Thank you.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, just briefly. I do understand the concerns of the good Senator from Androscoggin, Senator Mason, and he has been very consistent, a very good member of the committee. I think how we're going to be successful where we hadn't been before is that we're going to get the whole committee of Veterans and Legal Affairs to address this issue. I do commend the good Senator from York, Senator Valentino. Like always, she gets to

the main thrust of the issue. The way the present order is written, I had some concerns that they'd come back with no recommendations, that it would not go forward, so we'd sort of be in the same situation. I feel with a few minor changes that the good Senator from York, Senator Valentino, made that we will have a conclusion, we will do it right, and we'll come back next time and do the right thing for the people of Maine. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I will stand up here and say I agree with almost everything the Senator from Androscoggin said. I do have heartburn on this bill. I do have heartburn on this amendment. The thing and the fact of the matter is, ladies and gentlemen of the Senate, we have got to do something. This is something this Legislature is finally going to be charged at. I will be supporting this amendment, as I told my colleague from York, but I do have heartburn because I would have liked to have seen it in a pure form, with no hands on, but in doing something sometimes you have to have a little there to encompass everything. There's many times I've stood up this year and spoke on both sides of the issue because I do have heartburn, but I also do know that if we don't do something this time I don't think we'll get something done. If this amendment, attached to the bill, gets us to where we want to go, the one thing I do know, no matter what the study says, the policy committee is not going to change an awful lot and that we will take the recommendations that are going to come forward and run with them, knowing that every entity basically that ever came to this hallowed Body that wanted something done in the neighborhood of gaming will probably be finely resolved once in for all once we have at least a baseline study. I will be supporting this amendment, although, however, the heartburn I'll probably have to take some Prilosec OTC along the way. With that, Mr. President, thank you very much.

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

Senator **MASON:** Thank you Mr. President. I appreciate your, as well as the Body's, indulgence for me rising a second time on this issue. I would just like to point out that I do look at this as a bias. I realize that there is a second amendment and I do think it looks biased. I would also point out that I think that the specific section that I keep referencing is redundant. In the original bill it does talk about how the study needs to consider places where pari-mutuel gaming is considered. Those places are places like Scarborough Downs, places like the agricultural fairs, places where betting is done outside of a casino. I think that the bill does address that and I think the amendment is redundant. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Valentino to Adopt Senate Amendment "C" (S-522). 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 (#582)

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

NAYS: Senators: CUSHING, FLOOD, HAMPER, KATZ, MASON, SHERMAN, THIBODEAU, THOMAS, WHITEMORE

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **VALENTINO** of York to **ADOPT** Senate Amendment "C" (S-522), **PREVAILED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-522), in NON-CONCURRENCE.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **HASKELL** of Cumberland 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.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act To Achieve the Savings Required under Part F of the Biennial Budget and To Change Certain Provisions of the Law for Fiscal Years Ending June 30, 2014 and June 30, 2015

H.P. 1349 L.D. 1858
(H "B" H-833)

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

Senator **HILL:** Thank you Mr. President. I would like to speak to some items in the budget, if I may.

THE PRESIDENT: The Senator may proceed.

Senator **HILL:** Thank you very much Mr. President. This is the last budget we're doing this session and I think it warrants some conversation. Maybe a little bit of departure from the usual kind of conversation about a budget, a supplemental. I've given a lot of thought about this because I feel really good about this budget and I said, "Well, how did that happen?" It's so clear to me it's about the people who come together to make this budget happen. I have to share with you that, as I'm sure you are with your committee members, I am immensely proud of the Appropriations and Financial Affairs Committee members. They worked so hard and so long. Last Saturday they worked until 3 o'clock in the morning. Then, of course, this week we worked until 7 o'clock in the morning. We walked into Appropriations at five of midnight after negotiating all day and the budget was voted out at 7 o'clock in the morning. I can tell you they never left the horseshoe. They didn't take a break. They didn't take a dinner break. They didn't take a coffee break. They just stayed there and they went item after item after item. We came out with a wonderful document, a unanimous report. I love that word "unanimous," as I always say. I just have to tell you that these people are true appropriators. Despite their philosophical differences, despite their party thinking or wants or needs, they work away at it until they absolutely come together and say, "We can do this." We can do this because if we can't do this downstairs in Appropriations how can we ever bring it upstairs and get you to buy into it. It's so important, the process. It's not easily gotten there. I want you to understand that.

Again, in FY 2015, which is this budget that we're talking about, it's a groundbreaking budget because Appropriations had to create this. They created it from some lists, some ideas, a few letters from agencies and departments, and their own thoughts. We did it. We did it for the first time in history. We created this long list of what we thought needed to be taken care of and then we created this long list of how we could possibly fund it and we put it out there and we said, "Come to public hearings and give us feedback." They came and we listened and we worked with what we were told by people. Then we went in and we negotiated and we negotiated and we negotiated.

Here's the thing that was really neat about negotiations: they just love to talk about how we split up, how we have a parting of the ways. I don't know anybody who could work the kind of hours we do with each other down there in the back of 228, in those little rooms, all cramped. A lot of times the heat's not working or the air conditioner is not working or we can't get the window open. Everything's been closed down so we can't get food. Of course people get a little irritated. There's really never been a break-up. We just have a little flare up and then we go back to working on this. These are really decent human beings because we come together in a respectful way, we come together in a very professional way, and, ultimately, we're looking at the big picture: what can we do for the people of the state of Maine? It's important to have that understanding, that this bill really came together in a very different way by a wonderful group of people who present it to you today.

I have to tell you that Senator Cain has been an absolute pleasure to work with. She's creative, she knows where to go, she knows how to help, she knows how to do the heavy lifting, and I thank you, Senator Cain. It's been a pleasure this session working with you in Appropriations. I truly mean that. She also brings a lot of laughs, the two of us have some good funny times. You need a little relief. I have to also tell you that I need to give special thanks and recognition to Senator Flood. He, one, is always a gentleman. Two, is always patient, like the patience of Job. When I first met him I kept thinking, "He must have been a priest in his earlier life," because he never seems to like sort of come apart or get angry. Maybe at least in a former life, if not earlier, in life. Aside from that, what a wonderful choice by the Republican Party to put him forth as the lead negotiator in the Senate because, besides being respectful and professional and just a patient man, he's really a smart man and I have to credit him with some of the very creative solutions that helped us put this budget together when we had very little help from other places. The solutions that I refer to as creative, they're not gimmicks. They are smart, they are creative, and some of them are like best practices. I'll just mention the cash management, the way that's been set up to pay providers, the larger providers, out of the MaineCare cycle payments. Very smart, very good for the state going forward, long-term. He also helped craft the idea of how to take people off the waiver list by using funds within a baseline and repurposing them. These were wonderful solutions and he has made my life so much easier, coming up with these. I can't thank him enough. Of course, it's really, ultimately, for the people of the state of Maine and for all the legislators to be able to vote for this and feel really good about doing it, especially as we leave here this session.

Now, I have to tell you about the budget. I remember when I sat over across the room and was a lead. I would always get up and say, "The budget is not about making people happy. It's about keeping the doors open. It's about keeping government running." I always heard people saying, "Well, I'm not happy with the budget." I'd think, "You're kidding. It only has 2,000 lines or 2,500 lines. How could you be happy with the budget?" I don't expect you to be happy but I do expect you to realize it's where we need to go. Nonetheless, I constantly would get up during speeches and say it's not about being happy, it's about taking care of Mainers who have very diverse needs, and, like I said, keeping government running and keeping the lights on and paying the bills when we need to. Here's the kicker for today. I am happy about this budget. I am really happy. I told my caucus I remain happy, I remain excited about it, because what's not to

like about taking all of the developmentally disabled people off of the waiver list for Section 29? What's not to like about taking people off of Section 21? All of them. What's not to like about lifting nursing homes up and raising their rates so that they don't close and they can take care of our elderly who have no other choices, who are alone in life, and really need a place to taken care of 24-7? What's not to like about giving the funding to Riverview and Warren? What's not to like about taking care of our consent decree? I ask you to think about that. I'm actually going to ask you to be happy today about the budget. I'm certainly going to ask you to vote for it. Thank you.

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

Senator **FLOOD:** Thank you Mr. President. Ladies and gentlemen of the Senate, I do agree with the Senate Chair, Senator Hill, in full support of this unanimous Supplemental Budget. I thank her for the kind words, but I think in my entire life I've had maybe one creative thought, so if you're giving me credit for creative thoughts I would say that those thoughts come from many people who are very helpful on our staff downstairs and within the department and within the committee. Sometimes even a blind hog finds an acorn now and then. I did want to say thank you very much to Senator Cain. I've worked with her for, I think, eight years in one capacity or another on budget items. Her strength and her creativity makes it a pleasure. She's my seatmate and I have enjoyed every minute of the six years sitting on the committee with her and two years as she was the Minority Lead in the House. Also, I wanted to say very publicly that this bill wouldn't have been possible without the leadership of the Senator from York, Senator Hill, in that there were many times when there were just very difficult things that came forward and it required a great deal of patience and leadership and the perseverance in building that consensus, you looked to the leader. She was the one we looked to and she was extremely gracious and very patient.

This is a very small Supplemental Budget when you look at all the budgets that we've done over the years. This is actually a small one, but for some reason we were able to put in it some very important items that I think should meet or exceed your expectations.

I did want to take a few minutes to thank every person on the OFPR staff. They are the folks who put the amendments together for us. I think on the night that we put the bill together, my recollection is there were 36 different amendments, they were all put together in the last hour or two by the staff. I want to say thanks to Candance Wells, James Robbins, Chris Nolan, Alex Avore, Julie Jones, Susan Voyink, Maureen Dawson, Rachel Trembly, Mark Cyr, Grant Pennoyer, and Maryann McMaster for the help that they provided to us. I forgot to mention, I wanted to say also the Administration did provide as much help as they felt comfortable doing. I wanted to thank them for, in an awkward setting, providing as much help as they could. I appreciate that very much. Also our leaders in the caucuses, when requested, gave us guidance that we needed and we do need that.

I think the key thing that I wanted to spend some time talking about, in much the same way that Senator Hill did, was the power of consensus and care. I think if we keep looking for solutions for situations that will help people, we'll find them. If we don't give up, we will find them. We were able to find some ways to help disabled people. We were able to find some ways to help nursing

homes. Again, I want to thank the staff for helping us discover the little nooks and crannies and ways to get there. I want to thank the department also. The key thing for me in this whole process this time around was the fact that we were all listening to each other. We had a couple of meetings when new ideas were being broached that were a little a little different. They weren't dismissed. They weren't ridiculed. People were genuinely listening to new ideas and the fact that that happened and that that environment nurtures that is very very important. Head Start, Jobs for Maine's Graduates, the Bridge Program, Clean Waters, consent decree, indigent legal services, National Guard headquarters, \$17 million additional MaineCare funding, more than \$1 million for the Board of Corrections; those are things that we really needed to do and I think, again, like the Senator from York, I'm pretty happy. Usually you kind of come to these things half happy, but this time around I feel darned good about the fact that we were able to accomplish these things.

I guess I wanted to say, regarding the work that we do here in this building, mostly it's through committees and small groups. I believe that what really matters for effectiveness is to build truly, not artificial, trusting and real working relationships and I think we did that. Once in a while you hear about how the true, trusting relationships in the committee flare up, just like in a family. It's great to have those moments and they make you stronger. I think we had a really good working relationship in our committee and I think we reached our full potential because we had that kind of trusting working relationship. I guess I want to close by saying in one respect to me nothing really matters. It's not necessary that you love the people you work with but it probably doesn't hurt. Thank you.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I affectionately dub this supplemental budget "Sunrise from the State House" because inside of a week the Appropriations Committee saw the sunrise from Augusta. As the good Senator from York mentioned earlier, at one point it was after about 7 hours of being out at the horseshoe. I support this supplemental budget and ask you to do the same because it is good for kids, for families, for seniors, and for communities. Kids will be supported through Head Start, through Bridge Year, through the State Museum, and Jobs for Maine's Graduates. Families will be supported through wait lists finally getting shorter and shorter and shorter and nearly disappearing for services for people with developmental disabilities. Many of those are kids or are families with adult children. Also guardian ad litem services are very good for families. Seniors will be supported through the support for nursing homes, especially those who are right on the edge. Communities will be supported by things like water, the Homestead Exemption getting funded, and disaster assistance. There are many more reasons to support this budget and many of those have already been outlined.

I want to add my thanks and appreciation to my colleagues here in the Senate. First, the good Senator from York, Senator Hill. She has become a true friend and a real teammate. We are quite a team down there, I would say, and we bring different approaches and different strengths, but she has shown a steadiness and a strength over the past year and a half that I think was essential to our success, not just with this budget but all of the prior budgets. I'm very deeply grateful for that. My good

friend, the Senator from Kennebec, Senator Flood. He and I started on the same day in this building 10 years ago. We served on the Appropriations most of that time together. He is a person of such incredible integrity. He is a quiet leader with a very kind and full heart and a very genuine nature and approach to everything, whether it's complicated or not. I won't read all of their names, but will add my thanks to OFPR, who is really an extension of the Appropriations family and one that keeps us going.

Really after 10 years here, this could possibly be my final budget vote. I just want to leave with you a couple of words of wisdom about budgeting. Appropriations is a process I love, which sounds strange because it could seem really boring or tedious and staying overnight at the State House more than once a week or many times in a year. People can say, "How can you get so emotional or excited about the budget?" I want to tell you why. The reason is because a budget is more than math. The State budget is not a list of items or initiatives that have blippies. It is not a spreadsheet that goes on and on and on. The State budget is really a living, breathing document. It's been said it's a statement of priorities, but really it is a reflection of what we care about and it represents more than just math. Really anybody can do addition and subtraction and balance that budget. I believe that's true. The true art to budgeting comes in your ability to understand what's in that budget and how it effects families, how it effects kids, how it effects communities, how it creates opportunities for economic growth, and how sometimes it can limit it, and those are the toughest times. What I have learned about budgets is that, in fact, budgets are where the real action is in this building and they are tedious and they do take a long time, but every single line in that budget, whether it's this one or any of the ones I've been a part of over the past 10 years, means something. A lot of those lines we may not like, myself included, even ones we've voted for as parts of compromise. At the end of the day, those budgets are a statement of priorities and they are living, breathing documents that require our attention and our care. That's why I'm very proud not just to ask you to support this budget today but to thank you for your work in helping us in Appropriations to do our work better through your feedback, sometimes your complaints, and always your support of our hard work. Thank you, Mr. President. It's my pleasure.

On motion by Senator HILL of York, 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 (#583)

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

NAYS: Senators: None

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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

Senator TUTTLE: Thank you Mr. President. I'd like to congratulate you on your new addition to your family, your daughter Esther. As I said in caucus, it's only going to get better. Congratulations, Mr. President.

Senator PLUMMER of Cumberland 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.

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

Off Record Remarks

On motion by Senator JACKSON of Aroostook, **ADJOURNED** to Wednesday, April 16, 2014, at 10:00 in the morning.