

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

First Confirmation Session
beginning July 31, 2014

beginning at Page 2358

STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST CONFIRMATION SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
July 31, 2014

Pursuant to the provisions of Article 5, Part 1, Section 8 of the Constitution and the laws of the State of Maine, the Senate convened in the Senate Chamber at ten o'clock in the morning and was called to order by President **JUSTIN L. ALFOND** of Cumberland County.

Prayer by Senator Troy D. Jackson of Aroostook County.

SENATOR JACKSON: Thank you, ladies and gentlemen. I wanted to do this prayer in honor of Representative McGowan and the sorrow that I feel for him and his family.

A friendship blessing. May you be blessed with good friends. May you learn to be a good friend to yourself. May you be able to journey to the place in your soul where there is great love, warmth, feeling, and forgiveness. May this change you. May it transfigure that which is negative, distant, or cold in you. May you be brought into the real passion, kinship, and affinity of belonging. May you treasure your friends. May you be good to them and may they be good for you. May they bring you all blessings, challenges, and truth and light that you need for your journey. May you never be isolated. May you always be in a gentle nest of belonging with your soul friend.

Finally, I'd say this may be the last time any of us are together as elected officials, so I'd like to also add my wish that we all see each other again. Thank you.

THE PRESIDENT: I'd like to ask us all to take a moment of silence to commemorate the passing of Representative McGowan. Paul died at his home last Sunday at the age of 67. He was a friend and a colleague to all of us. He represented his constituents and this institution with respect and compassion. Paul is survived by his children and grandchildren and he will be deeply missed by so many.

The Senate observed a moment of silence in memory of Representative Paul D. McGowan.

Pledge of Allegiance led by Senator Garrett Paul Mason of Androscoggin County.

The Following Communication: S.C. 1027

STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT

July 10, 2014

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

Dear Secretary Grant:

Please be advised that in accordance with Article 5, Part 1, Section 8 of the Constitution of Maine, the Senate of Maine will convene on Thursday, July 31, 2014 at 10:00 o'clock in the morning for the purpose of voting upon confirmation of various appointments made by the Honorable Paul R. LePage, Governor of the State of Maine.

Sincerely,

S/Justin L. Alfond
President of the Senate

READ and ORDERED PLACED ON FILE.

QUORUM CALL

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL (#667)

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

32 Senators having answered the Roll, the Chair declared a quorum present.

Out of order and under suspension of the Rules, on motion by Senator **JACKSON** of Aroostook, the following Senate Order:
S.O. 30

Ordered, that a message be sent to Governor Paul R. LePage informing him that in accordance with Article 5, Part 1, Section 8 of the Constitution of Maine, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

READ and PASSED.

The Chair appointed the Senator from Aroostook, Senator **JACKSON** to deliver the message to the Governor. The Senator was escorted to the Governor's Office.

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from Aroostook, Senator **JACKSON** reported that he had delivered the message with which he was charged.

COMMUNICATIONS

The Following Communication: S.C. 1028

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

June 24, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Justice Jeffrey L. Hjelm of Camden for appointment as an Associate Justice to the Maine Supreme Judicial Court.

Pursuant to Article V, Part First, §8 of the Maine Constitution, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 1029

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

July 24, 2014

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Jeffrey L. Hjelm of Camden, for appointment as a Supreme Judicial Court Justice.

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

YEAS	Senators	3	Valentino of York, Burns of Washington, Tuttle of York
	Representatives	8	Priest of Brunswick, Beaulieu of Auburn, DeChant of Bath, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moonen of Portland, Moriarty of Cumberland, Peavey Haskell of Milford
NAYS		0	
ABSENT		2	Rep. Crockett of Bethel, Rep. Villa of Harrison

Rep. Mitchell of Penobscot Nation supports the Committee's recommendation.

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 Honorable Jeffrey L. Hjelm of Camden, for appointment as a Supreme Judicial Court Justice be confirmed.

Signed,

S/Linda M. Valentino
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, it's nice to see everybody back here in the summertime. I want to let you know that I'm rising today to speak on the nomination for Justice Hjelm to the appointment for the Supreme Judicial Court Justice. The Judiciary Committee met last week and it was a unanimous decision of all members to recommend the nomination here today. We had many people that came to the public hearing to say wonderful things about

Justice Hjelm. He grew up here in the state of Maine and he graduated from Hampden Academy. He's also had a very long and distinguished career. He has served 22 years on the bench. He was a Judge of the Maine District Court and he was also the Justice, currently, of the Maine Superior Court. Previous to that, he spent six years in the Attorney General's Office. We are very pleased to support this nomination here today. Thank you.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, it feels kind of special for myself and my other two colleagues to be able to call you all here this summer. I've never had this opportunity, so thank you for coming out for this very important occasion. I just want to say a few brief words, if I could, because this is kind of a special day for me. Last week I had the opportunity, as you heard, to participate in the hearings on these two candidates that are before us today, and I'm going to talk about both of them at the same time, if that's permissible, Mr. President. It was a couple of great hearings that we sat through. These two gentlemen that we're going to be talking about today, and hopefully confirming, are people that I've known for many years, and that's why it's so special to me to be able to address this Body today. I had the opportunity to work with both of these gentlemen in the Attorney General's Office when they were first, I'd say, prosecuting homicides and I was an investigator. As I said in the hearing the other day, it gives you an opportunity, when you work on something like this, to see folks up-close and personal and what their character is really like, what their abilities are really like, and what they are really like as persons when they get out of their realm. I can say that these gentlemen that are before you today exemplify all that is good about our system, our judicial system and our criminal justice system. These are incredible candidates and it's been my privilege for the last two years to serve on this committee, and I have been so impressed with the quality of the nominations coming through and these are no exceptions. These gentlemen are, to me, the best of the best, and they carry themselves professionally and in their personal lives the same.

Justice Hjelm, when he was a prosecutor and starting out, was the type of person that was all about being professional, all about treating people properly, and all about doing the job the way that Maine citizens would expect him to do. The same for Mr. Stokes. I was so impressed, as we went through that hearing the other day, to hear the things that were said about these candidates from all sides of the spectrum; from the defense attorneys to the people that worked with them, from the prosecutors and from citizens that know these gentlemen. As you probably will hear, there were even tears shed over some of this because some of these folks will be leaving positions that they have held for many, many years, and when that happens you know that they have been great peers and great collaborators and great professionals. That's what I was hearing during those hearings. There wasn't enough good that possibly could be said about them and we heard many, many good things. It's going to be, I think, a great asset to the state of Maine if these gentlemen, especially the two that we're talking about today, are confirmed and placed on the bench or placed on the law courts. It's with great pleasure that I support these nominations and thank you very much for listening to me.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#668)

YEAS: Senators: None

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

ABSENT: Senators: CUSHING, LANGLEY, MAZUREK

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, 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 the Honorable **Jeffrey L. Hjelm** of Camden for appointment as a Supreme Judicial Court Justice was **CONFIRMED**.

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

The Following Communication: S.C. 1030

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

June 24, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Honorable William R. Stokes of Augusta for appointment as an Associate Justice to the Maine Superior Court.

Pursuant to Article V, Part First, §8 of the Maine Constitution, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

Off Record Remarks

The Following Communication: S.C. 1031

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

July 24, 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 William R. Stokes of Augusta, for appointment as a Superior Court Justice.

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

YEAS	Senators	3	Valentino of York, Burns of Washington, Tuttle of York
	Representatives	8	Priest of Brunswick, Beaulieu of Auburn, DeChant of Bath, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moonen of Portland, Moriarty of Cumberland, Peavey Haskell of Milford
NAYS		0	
ABSENT		2	Rep. Crockett of Bethel, Rep. Villa of Harrison

Rep. Mitchell of Penobscot Nation supports the Committee's recommendation.

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 William R. Stokes of Augusta, for appointment as a Superior Court Justice be confirmed.

Signed,

S/Linda M. Valentino
Senate Chair

S/Charles R. Priest
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator VALENTINO: Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to speak on the nomination of William Stokes as Associate Justice to the Maine Superior Court. What can I say? The Judiciary Committee met last week and it was pretty much a love fest. A love fest with some tears. There were many people from the Attorney General's Office that were there and there are many people from the Attorney General's Office here today to wish their colleague the best of luck going forward. As many said in their testimony, it is bitter sweet. Bill Stokes has been a fixture in the Attorney General's Office. He has worked over 37 years, as of tomorrow, for the State of Maine, minus one illustrious year with our very esteemed colleague Senator Katz of Augusta. He's had a very long, distinguished career. I'm sure everybody in this Chamber has had an opportunity to meet Bill, to deal directly with him. He certainly has been one of the stars in the newspaper. You can always count on Bill to have a calm voice, a reassuring voice, if there is anything that happens in the state of Maine, any tragedy. He will be sorely missed in the Attorney General's Office. With that, we wish him the best of luck in his new position. Extremely proud of him, to have somebody go forward. For the Attorney General's Office, it will create a huge void, but I know that there will be somebody to come and fill his place. With that, as a personal friend also, I want to extend my congratulations to Bill and to his wife and say I wish you the best of luck in the future. Thank you.

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

Senator TUTTLE: Thank you Mr. President. Members of the Senate, I've known Bill Stokes for over 20 years and he has worked, as my good counterpart from York has said, with AGs office for 27 years. He has been very active in establishing and promoting the cold case bureau. It's something that we've done this year. I'm sort of proud of being a member of the committee. He was Mayor of Augusta. Any of you who know Bill knows that he has a great sense of humor and he has a great demeanor and disposition and I think that will make him a great Judge. Also, Bill and I both married well, so with that congratulations Bill, Your Honor.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, it's a difficult task for me to rise to find the words to express my personal enthusiasm for the Chief Executive's nomination of William Stokes to the Superior Court bench. Let me first say, Mr. President, directly to those cynics among you, those who may think I rise to praise Mr. Stokes because I practice law and know I will be appearing before him and just want to get in his good graces, and, to those of you who think that, my response is yes, there is some truth to that. I would say nice things anyway about a man I have known for decades as an adversary in court, a law partner, a school board chair in Augusta, a high school building committee chair, a city counselor, a Mayor, and mostly as a friend. Maybe it's best summed up by saying that you would have to look awfully hard to find a single person in any one of those arenas who does not have anything but extraordinarily good things to say about Bill Stokes.

The testimony in support of his nomination before the Judiciary Committee was impressive. The City Manager said, "Bill has consistently exhibited strong leadership, compassion, patience, generosity, and diligence. I believe he will have the respect of the Maine Bar and the public from the day he takes the bench and that it will not be long before he enjoys a reputation as one of Maine's most able jurists." An officer in the State Police said, "While the terms integrity, fairness, compassion, and excellence define the core principles of the Maine State Police, it is safe to say they clearly apply to Bill Stokes as well. Bill not only possesses but practices these attributes on a daily basis." From one of Maine's District Attorneys, "He probably is the most respected prosecutor in the state. While the skills which make a good advocate are important to a Judge's success, Bill Stokes has demonstrated even more important qualities. As Chief of the Criminal Division, he has been committed to ensuring justice and fairness in some of Maine's most serious criminal cases. He's shown courage when making the difficult decision to prosecute and in the often more difficult decision not to prosecute. Probably most of all, he has always demonstrated the temperament necessary for success as a Justice." From one of his colleagues in the Attorney General's Office, "You can't say this about many people, but to know Bill is to respect and love him. He's always well prepared and fair and always, and I mean always, a gentleman. He'll bring insight, integrity, and maturity to the bench." There were several defense counsels, Mr. President, who also testified; I thought that was significant, as well, who talked just as, I think, Senator Valentino said, about the fact that being an advisory doesn't mean being an enemy and that Bill Stokes always played fair. I must say, Mr. President, though that I have some resentment towards Bill Stokes because, while I'm so happy that he followed me as Mayor in Augusta, it really does bother me when I frequently hear local people say, "It's about time we had someone decent in that job." He has done an extraordinary job also as Mayor of the City. During his community and civic involvement the common theme has been Bill's basic humanity. He treats everyone with respect. He understands that everyone's time is just as valuable as his own. He runs a meeting in the same efficient and skillful way he will run a courtroom. He has a knack for making sure that people feel they've been heard, that their concerns have been listened to and considered.

I've also watched Bill as a husband and a father. Like Senator Tuttle, we have something in common. Each of us married someone far better than we deserve. I've watched Diane and Bill as they've raised and nurtured two children into the young people that they are today. Bill Stokes is human. I'm sure he has

his faults. I am just unaware of what those might be. I just haven't seen them. In short, I could not be more enthusiastic in endorsing Bill's nomination. He will be a fine Judge in Maine's best tradition. The Chief Executive, Mr. President, could not have made a better choice. Thank you.

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

Senator **BURNS**: Thank you Mr. President. Ladies and gentlemen of the Senate, I'll just rise for just a moment. There is a plus in waiting for after my peer, Senator Katz, speaks because he said everything so eloquently about Mr. Stokes, that I believe wholeheartedly. I'm different than Senator Katz. I don't have any expectations of being in Superior Court for any reason at all. I did want to just say one more thing. Bill Stokes and I have known each other for a long time. I've watched him through his career. I've been so impressed, both when I was working with him and after I retired. Just one other thing I wanted to add that really means a lot to me, and I think it will to Mr. Stokes. I had coffee this morning with some of my former colleagues and peers that I normally do on Thursday morning when I'm here, retirees that had the same vocation that I did. Around the table there was the same sentiment that Mr. Stokes is one of the best professionals and best prosecutors probably in this country. That's quite a saying, considering all the great jurists that we have around this country. We are really, I think, in line to get a real treasure in our court system. Once again, I wholeheartedly support Mr. Stokes.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#669)

YEAS: Senators: None

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

ABSENT: Senators: CUSHING, LANGLEY, MAZUREK

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, 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 **William R. Stokes** of Augusta for appointment as a Superior Court Justice was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber William R. Stokes and his wife, Diane. Will they please rise and accept the congratulations of the Maine Senate.

ORDERS

On motion by Senator **JACKSON** of Aroostook, the following Senate Order:

S.O. 31

Ordered, that a message be sent to Governor Paul R. LePage informing him that the Senate has transacted all business before it and is ready to Adjourn Without Day.

READ and PASSED.

The Chair appointed the Senator from Aroostook, Senator **JACKSON** to deliver the message to the Governor. The Senator was escorted to the Governor's Office.

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from Aroostook, Senator **JACKSON** reported that he had delivered the message with which he was charged.

On motion by Senator **YOUNGBLOOD** of Penobscot, the Honorable **JUSTIN L. ALFOND**, President of the Senate, declared the First Confirmation Session of the 126th Legislature, **ADJOURNED SINE DIE** at 10:42 in the morning, in memory of and lasting tribute to Representative Paul D. McGowan of Cape Neddick.