

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fourth Legislature

State of Maine

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STATE OF MAINE
ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

Senate at Ease.

Senate called to order by the President.

In Senate Chamber
Monday
April 12, 2010

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

Senate called to order by President Elizabeth H. Mitchell of Kennebec County.

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

Prayer by Senator Dennis S. Damon of Hancock County.

SENATOR DAMON: Welcome my fellow colleagues. I was reminded of an inspiration that we had the other day where we were talking to our fingers and toes. I'm not going to ask you to do that, but I will ask you on this day to occasionally stop and take in some deep breaths, exhale, and try to maintain the sanity that you were given. It's a little bittersweet, quite frankly, for me to be standing here today in this position and I know it is too for some of my colleagues whose day it is the last to serve in this august Body. For those of you who are in that position, I thank you very much for your service. You have made the state a better place. Please follow me now in prayer.

On motion by Senator **BARTLETT** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Father in heaven, the selection portion of the democratic process has come to an end with predictable results, some winners and some losers. Our prayer today is that those who were not selected would not sorrow as those who have no hope, but rather see in their situation a manifestation of the needs and wishes of the people and maybe even a reprieve from the onerous task of service. In losing, you may have won. For those who were selected, let them not become haughty and lord over it to others, but rather see their position as servants of the servants of God. Aid them in the tremendous burden they must shoulder. In winning, you may have lost. We pray that the wounds be healed and feelings be salved, and harmony and unity descend on these people like a gentle rain, but not let the run off cause ruts of stagnation and inaction. A little cantankerousness would be better than that. Amen.

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (4/7/10) Assigned matter:

Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election"

H.P. 1313 L.D. 1826
(S "G" S-529 to C "A" H-830)

Tabled - April 7, 2010, by Senator **BARTLETT** of Cumberland

Pending - motion by same Senator to **RECONSIDER** whereby the Bill **FAILED ENACTMENT**, in **NON-CONCURRENCE**

(In House, April 7, 2010, **PASSED TO BE ENACTED.**)

(In Senate, April 7, 2010, **FAILED ENACTMENT**, in **NON-CONCURRENCE**. Senator **BARTLETT** of Cumberland moved to **RECONSIDER.**)

On motion by Senator **BARTLETT** of Cumberland, the Senate **RECONSIDERED** whereby the Bill **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

On motion by Senator **DIAMOND** of Cumberland, the Senate **SUSPENDED THE RULES**.

Pledge of Allegiance led by Senator Margaret M. Craven of Androscoggin County.

Reading of the Journal of Wednesday, April 7, 2010.

Off Record Remarks

Off Record Remarks

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-830) AS AMENDED BY SENATE AMENDMENT "G" (S-529)** thereto, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-830) as Amended by Senate Amendment "G" (S-529) thereto, in concurrence

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "G" (S-529) to Committee Amendment "A" (H-830), in concurrence.

On further motion by same Senator, Senate Amendment "G" (S-529) to Committee Amendment "A" (H-830) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**

On further motion by same Senator, Senate Amendment "J" (S-546) to Committee Amendment "A" (H-830) **READ**.

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

Senator **DIAMOND:** Thank you, Madame President. Ladies and gentlemen of the Senate, since we left last Wednesday, a lot of things have happened. There have been a lot of discussions, a lot of phone calls, a lot of conference calls, a lot of meetings, some of which I've had the privilege to be a part of. I would say at the outset that the ones that I was a part of were sincere discussions where people were really looking for a solution. Obviously when we left here we did not have an agreement, but I think what we have here today is a new compromise. After all is said and done and after all sides have been heard and opinions expressed. Yesterday the Senate chairs and leads spent four hours going over a number of options to see what we could do to participate and help the Leaders and the Governor in their tasks. Truly this is a compromise. Some are wanting more, some want less, and some wanted something totally different. This bond package has been and is about jobs, and everyone kept that as their focus. Creating jobs is really what we want to do with this package. That was not a partisan matter, we just simply didn't agree on numbers. Let's look and see what we do have and what was agreed to, which is now our compromise offer, which is this amendment. Highways, \$24.8 million, and that in itself will be many jobs. The Aroostook Rail, \$7 million from the Stabilization Fund and \$7 million as part of this bond. The Lewiston/Auburn Rail, \$5 million. The Mountain Division Rail, \$4 million. It was \$5 million but it was determined that one of those million could be spent in the following year. In an effort to keep this as efficient and as tight as possible, we shaved off a part of that particular bond package. The Mega Berth in Portland, \$6.5 million. It was found and discovered after much discussion that half a million dollars could be saved there. The Small Harbor Program, \$500,000. The Energy Wind, \$5 million. The Dental in York

County, \$5 million. Then there was some reprogramming in the existing bonds that were already passed and are due up this June. We made some changes there. The weatherization piece of that bond that was scheduled for this June, we took \$12 million from that. The Small Enterprise Growth Fund was reduced by \$1 million. The Maine Historic Preservation was reduced by \$25,000, and then from the Land for Maine's Future waterfronts another reduction. What we tried to do is find every little penny we could find to make this thing work. The actual bond package now will be \$57.8 million. We started at \$85 million. If you look at the reprogramming of the June bond package, it's really down to \$44.3 million. All of these things were done by all the participants and then discussed with all the caucuses this morning, thinking that we really did have our focus in line. We really do want to do what's best for the people of Maine, and our number one goal is presenting and creating jobs. When we leave here today I think we can be proud not only of the process that took place, but we can be proud of the product. This legislature has already set a wonderful example over the past two years of coming together in a bipartisan manner to do what we think is right for the budget and other areas. I think we can all be proud of that, and I think the people of Maine can be proud of that. So when we do leave here today, we have an opportunity, if this passes, to say, with our heads held high, that we came together and we worked together as Republicans and Democrats, and we have a package that will create jobs and a package that will be good for the citizens of the state of Maine. Thank you, Madame President.

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

Senator **RAYE:** Thank you, Madame President. Men and women of the Senate, when we last met and we were talking about this very issue, I said at the time that we do our best work when we do it together. I'm very pleased that over the course of the last several days that we have been able to do just that. The result is the amendment that has just been offered by the good Senator from Cumberland, Senator Diamond. I want to thank the members of leadership on both sides. I want to thank the Chief Executive for his engagement and his active involvement and the role he played in helping us work through our differences. This is a significant moment for this legislature and the state. This new package will include a net of \$44.3 million through \$57.8 million in additional bonding, but a reduction of \$13.5 million in reprogramming the bonds that we approved last year but have not yet faced the voters. We are, as a result, going to be able to send a new question out to the people of Maine in June that will ask them whether or not they wish to spend \$47.8 million for vital transportation-related infrastructure. Included is \$24.8 million for roads and highways, \$7 million for the Aroostook Rail, \$5 million for the Lewiston/Auburn Rail, and \$4 million for the Mountain Division Rail. On the marine side, \$6.5 million for the Ocean Gateway Mega Berth in Portland, and \$500,000 for the Small Harbor Improvement Program. The energy bond that the voters will face will be smaller than it was going to be, but it will include the addition of \$5 million for Ocean Wind. There will also be a \$5 million bond issue in November asking voters if they wish to approve the dental school and rural clinics. I believe that the package before us is a vast improvement in terms of its fiscal responsibility and targeting toward those vital pieces of infrastructure that will help to move our state forward. I am very pleased that we are on the verge of doing it together and

demonstrating, once again, the ability of this legislature to bridge partisan differences and work together for the common good.

Madame President, for the record, I would like to make it clear that the piece related to the Aroostook Rail is something that we have spent a great deal of time on in discussions and working to make sure we get it right. It is an enormously important piece of infrastructure to a region of the state and to the state as a whole. We want to make sure that we get it right in dealing with the State's approach. It is my understanding, from all of the discussions we have had and is entailed in this legislation, that the State, through the use of \$7 million in bond and \$7 million in General Fund revenues and in \$4 million to be reprogrammed from existing bonds, that we will have free and clear title to the entire corridor, free of encumbrances that would preclude its operation, and that there will be no retention of rights whatsoever for the current owner of these tracks with respect to any other use of the corridor. I think that is very important for the record and it reflects the understanding that we have gained here with these discussions. Another point that I think is important for the record is that the figure of 240 miles, which has been discussed in our caucuses, is a reflection of the length of the track from one end to the other. We know that there are places where there are double tracks and side tracks, that there's actually more mileage involved, but that the figure 240 captures all of that because we're talking about the distance from point A to point B. We don't want there to be any confusion with respect to the intention of the legislature in these matters. Thank you, Madame President.

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

Senator **BARTLETT:** Thank you, Madame President. I'd like to first thank those who've worked so hard over the last several days to bring this compromise amendment to fruition. Rather than leave here last week and retreat into our corners, people really genuinely reached out to each other, had a myriad of conversations, and were able to come together to a reasonable solution. This amendment is not perfect and it's certainly not all that many of us had hoped it would be. It does leave out some important priorities that we'll have to forego at this time. Nonetheless, it does reflect the result of good faith negotiations by a wide range of people in a thoughtful compromise to help move this agenda forward. As a further demonstration that we, as members of the 124th Legislature, are committed to working together whenever possible, are committed to bridging our differences, and will not stop negotiation just because we feel like we've hit a dead end. We continue to work together. We continue to get bipartisan results. By continuing to engage in that dialogue right up until the last minute of this legislative session, I believe we served the people of Maine extraordinarily well. We've avoided some of the toxic partisanship that is so prevalent in other places. So for that I commend every member of this Body for coming together, for putting their best work forward, and for coming to a bipartisan resolution on this issue.

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

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President. Ladies and gentlemen of the Senate, before we vote I think it's important to say a few more things about that component of this bond package which relates, if I may, to the purchase of the rail line that links Aroostook County with the rest of the world. There are so many moving parts to this intended transaction. There are the trackage rights that permit access both north and south from this line to the rest of the world. There is the necessity for finding an independent third party operator who considers this a viable line to operate at a profit. There is the commitment necessary from the shippers, because if we don't have a certain amount of guaranteed traffic on this line then it will fail again, as it has failed several times in the last several decades. I want the record to reflect an understanding that I have received from the Department of Transportation representing the Governor's office. If this money, that is allocated in the bond, cannot be put to good use, in a sensible and business-like way, to preserve and enhance this corridor, then the State should walk away from the deal. There is nothing in this bond package that necessarily compels the State to go out and purchase the line. The money is authorized and we hope that it will be authorized by the voters. For my own part, I should hope that the Chief Executive considers it feasible to walk completely away. This is not a mandate to go buy that rail line. I want to vote for this bond package today, I came down here to do it, because I respect the work of all of our Leaders, Democrat, Republican and the second floor, in putting this difficult package together. I don't think we can afford this bond package, but that's another problem. I really don't want to vote for another sugar beet factory in Aroostook County. For those of you who remember the Freddie Vahlsing fiasco from God knows how many decades ago. We do want to maintain this lifeblood. One entire side of my family grew up on this rail line in Ashland, Maine and it was the lifeblood of Ashland, Maine for 100 years, so I have a large sentimental attachment to keeping this rail line alive. I'm also a businessperson, as many of us here in this chamber are. I think we need to understand on this record that if the Department of Transportation and the Chief Executive cannot put together a multi-part deal or series of deals that provide for rehabilitation of the line, and good marketable connections to the Canadian National in the north and to the rail lines to the south, that we, as a state, should be prepared to walk away from it, in spite of our emotional attachments, and say 'Enough is enough.' We can't keep subsidizing this line forever. As a state we have put millions and millions of dollars into this line to keep it open over the last several decades. We can't do it anymore. It has to be operated on a business-like basis. Those are my sentiments and I hope they're shared by others in this chamber. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, I stand before you today to say I have enormous reservations in voting for this reduction in this bond package for a number of reasons. Leaving certain things on the table such as the Drinking Water Revolving Loan Fund, and the Wastewater Treatment Facility construction, which would add jobs and bring a drawdown of roughly \$26 million from federal funds with no guarantee that later on another bond package could be put forward to capture that drawdown. There has been money taken away from the highway work, which would be an improvement if we put more money into that for both business

and for jobs. Though there is a siphoning off of weatherization funds reducing weatherization, which is an incredibly important piece of saving fuel and our carbon footprint. Even with all the disappointment that I have, I thank both sides of the aisle for coming together and bringing us a package that we can vote on for the people of Maine. Though I respect our leadership on both sides of the aisle, it is not for them that I will be voting for this package. This is a package for jobs. This is a package for the people of this state, so that they may have an opportunity to make a decision on whether or not they want to put people back to work. I want to thank everybody for working so tirelessly on this. I know the second floor, leadership, leads, and chairs on the Appropriations Committee worked extraordinarily hard on this. Even though I have huge disappointment in the size of this package, because I think the fiscally responsible thing to do would have been to have a larger bond package, I fully put my support behind this package. It is the right thing to do for the people of this state. Zero was not an option for me and I want to thank everybody for their time and consideration.

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I sense comradely with my seatmate here. We're usually fairly close, but on this one we're philosophically different. She certainly was chewing my ear, encouraging me to vote for a bond package far greater than \$85 million. I was tugging on her sleeve saying, 'Come down to my compromise package', which was \$40 million. Anyone who has debated with my seatmate knows that you're probably going to lose that debate. Except for this day. I just wanted to add some historic record from my perspective. I don't like to borrow money and my record shows that. My family doesn't. We don't borrow money. We pay for things. We have to lead and we have to finish our job. I don't feel like we're finishing our job until we finish this piece. This has been by far the best legislature I've served in, working together and finding compromise. I just want the record to show that I've seen it both ways. I've seen it partisan and I've seen it run well. The reason I'm going to vote for this is not because I want to borrow, but because I want to see this Body run well. I hope we can support this today.

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

Senator **HASTINGS:** Thank you, Madame President. Ladies and gentlemen of the Senate, I found myself targeted over the weekend and it certainly occupied my time. It was an interesting weekend because of that. I stand to say that I hear angst from everybody. There's an adage among attorneys that when you're negotiating settlements as opposed to trial, that if both sides are completely upset with the end result, you probably reached a good agreement. I think that's what we've done here. I share the angst of those who feel we can't afford this borrowing, but also I am pleased with the effort we are making to preserve rural Maine and its infrastructure, which is crumbling around us. The Aroostook County rail line which, by looking at a map, you can see the importance of that. The rail in Auburn will be of great benefit. The Mountain Division, which many of you don't know much about, but which is a railroad that could be like Aroostook. It was abandoned years ago and the State reacquired it but has

never done anything with it. Living along that rail line, running from Portland to Fryeburg through Baldwin, I don't know how many times we've been talking to people who want to bring business to our area. They look at that rail line and they say, 'If it were operating.' All we can say is that we hope we can get it to operate. It's a perpetual chicken and egg thing. I hope that we are on the track to reopen that line and bring industry to western Maine. I also want to talk briefly about the dental program. The clinic part of that is so important for rural Maine. I was talking yesterday to a health care center in Hiram and Porter where there are virtually no private practices of any medical profession at all. This is the ideal location for a clinic to be installed by this dental school to bring such a greatly needed service to that part of rural Maine, and I'm sure it can be done and replicated across the state. I thank all of you who negotiated this bond proposal. I too am concerned about its size but I too am going to support it. I think you've done a fine job. Thank you.

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

Senator **DAVIS:** Thank you, Madame President. Men and women of the Senate, like the Senator from Oxford, Senator Hastings, I also was targeted this weekend. Sometimes when this happens I read history, being a history teacher. I went back through some of the great decisions of the U.S. Congress. It is the American tradition to compromise. I thought and read about Henry Clay, Daniel Webster, Robert Taft, William Fulbright, John Kennedy, and Robert Kennedy. They could compromise when they had to. I think this is a bill we should vote for and I'm going to vote for it proudly. Let us follow their example and support this compromise, and send this bill to the voters who will make the ultimate decision. I plead with you to vote for this. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond to Adopt Senate Amendment "J" (S-546) to Committee Amendment "A" (H-830). 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 (#419)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFKY, GOODALL, GOOLEY, HASTINGS, HOBBS, JACKSON, MARRACHE, MCCORMICK, MILLS, NASS, NUTTING, PERRY, PLOWMAN, RAYE, SCHNEIDER, SHERMAN, SIMPSON, SULLIVAN, TRAHAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: RECTOR, ROSEN, SMITH, WESTON

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **DIAMOND** of Cumberland to **ADOPT** Senate Amendment "J" (S-546) to Committee Amendment "A" (H-830), **PREVAILED**.

Committee Amendment "A" (H-830) as Amended by Senate Amendment "J" (S-546) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-830) AS AMENDED BY SENATE AMENDMENT "J" (S-546) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)
H.P. 1292 L.D. 1805

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-832)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-832)**.

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

READ ONCE.

Committee Amendment "A" (H-832) **READ**.

On motion by Senator **BLISS** of Cumberland, Senate Amendment "A" (S-535) to Committee Amendment "A" (H-832) **READ**.

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

Senator **BLISS:** Thank you, Madame President. Men and women of the Senate, the errors and omissions bill is a lot less glamorous than what we just did, but no less important. Over the course of the year lots of bills have been considered and passed and sometimes, not very often but sometimes, words get misplaced or misread or misprinted, and what we finally put in statute is not necessarily exactly what we thought we were going to put in statute. The errors and omissions bill is a result of a lot of hard work, mostly by your committee analysts and Peggy Reinsch, the analyst for the Judiciary Committee, who take a second and a third and a fourth look at what actually gets passed, and the folks in the Revisor's Office, and a lot of other folks around here, who worked very hard to ensure that what we pass is what we intended to pass. Then the Judiciary Committee takes one final look at all of those things and moves it forward. We try very hard not to amend the Errors and Omissions Bill once it has

left the Judiciary Committee. Sometimes one or two last things leak through. This amendment is an example of one of those final things. After the Errors and Omissions Bill was passed by the Judiciary Committee and, in fact, passed by the other Body, there was discovered some incorrect wording in the budget bill that has already been passed and signed by the Governor. This amendment simply clarifies that language to better reflect the intent of this Body, the other Body, and the Chief Executive. Thank you, Madame President.

On motion by same Senator, Senate Amendment "A" (S-535) to Committee Amendment "A" (H-832) **ADOPTED**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, Senate Amendment "B" (S-545) to Committee Amendment "A" (H-832) **READ**.

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

Senator **BLISS:** Thank you, Madame President. Men and women of the Senate, this second and final amendment has to be presented under Suspension of the Rules because the Rules say that the errors bill cannot be amended unless the amendment has been on your desks for 24 hours. This amendment has barely been on your desks for 24 minutes, but it is what we hope will be the last, final change. This is simply a wording change that was discovered at the last moment by one of the analysts. Thank you, Madame President.

On motion by same Senator, Senate Amendment "B" (S-545) to Committee Amendment "A" (H-832) **ADOPTED**.

Committee Amendment "A" (H-832) as Amended by Senate Amendments "A" (S-535) and "B" (S-545) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-832) AS AMENDED BY SENATE AMENDMENTS "A" (S-535) AND "B" (S-545)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

On motion by Senator **BARTLETT** of Cumberland, **RECESSED** until 1:30 in the afternoon.

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:

Bond Issue

An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election and November 2010 Election
H.P. 1313 L.D. 1826
(S "J" S-546 to C "A" H-830)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#420)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFKY, GOODALL, GOOLEY, HASTINGS, HOBBS, JACKSON, MARRACHE, MCCORMICK, MILLS, NASS, NUTTING, PERRY, RAYE, SCHNEIDER, SHERMAN, SIMPSON, SULLIVAN, TRAHAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: PLOWMAN, RECTOR, ROSEN, SMITH, WESTON

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with 5 Senators having voted in the negative, and 30 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Correct Errors and Inconsistencies in the Laws of Maine

H.P. 1292 L.D. 1805
(S "A" S-535; S "B" S-545
to C "A" H-832)

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.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on HEALTH AND HUMAN SERVICES and the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act To Authorize a General Fund Bond Issue To Create Access to Dental Care throughout the State"

H.P. 1286 L.D. 1798

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-833).**

Signed:

Senators:
BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
MILLS of Somerset

Representatives:

PERRY of Calais
PETERSON of Rumford
JONES of Mount Vernon
SANBORN of Gorham
JOY of Crystal
CAMPBELL of Newfield
LEWIN of Eliot
STRANG BURGESS of Cumberland
STUCKEY of Portland
EVES of North Berwick
CONNOR of Kennebunk

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

Signed:

Senators:

DIAMOND of Cumberland
CRAVEN of Androscoggin
ROSEN of Hancock

Representatives:

CAIN of Orono
MARTIN of Eagle Lake
WEBSTER of Freeport
ROTUNDO of Lewiston
MILLER of Somerville
MILLETT of Waterford
FLOOD of Winthrop
ROBINSON of Raymond
NUTTING of Oakland

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following:

The Committee on the Bills in the Second Reading reported the following:

Bill "An Act Regarding Energy Infrastructure Development"
H.P. 1274 L.D. 1786
(C "A" H-809)

READ A SECOND TIME.

On motion by Senator **DAMON** of Hancock, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-809), in concurrence.

On further motion by same Senator, Senate Amendment "D" (S-549) to Committee Amendment "A" (H-809) **READ**.

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

Senator **DAMON:** Thank you, Madame President. Ladies and gentlemen of the Senate, this might be the last one. This is an amendment that I've been working on for some time, and I believe it's the fourth iteration of what I thought was quite a simple request. There are two bills, one of which we are working on now and the other one we've already acted on, that I happen to think are some of the most important pieces of legislation that we have worked on this particular session. They have involved two special task forces and they have both dealt with energy. One is offshore wind energy, and this one is the transmission of energy through designated corridors throughout the state of Maine. I believe that they're important and I believe they are transformative because they are so important as we look to the future of Maine and its energy needs, and its energy production opportunities for not only our own state, but for this whole region. I truly believe that we can be on the forefront of that. As a result of that we will see, I believe, opportunities provided to both our businesses and to our citizenry regarding the cost of our energy in this region which we have not enjoyed formerly or presently. With that aside, to the point of this amendment, I have recognized the importance of our transportation infrastructure. In this, one of my final acts as a member of this august Body and this legislature, I have seen for eight years the importance of not only our legislative process, but of our transportation infrastructure. I have seen that we have not been able to provide for it in a way that we should, for the convenience, the safety or the efficiency of it as a system. We have tried on many occasions, the last of which was only a little while ago today when we agreed to borrow some more money to try to put into that system. Some years ago, maybe four now, this legislature passed a piece of legislation that had built into it some very good opportunities for providing this funding on the ability to get this job done. But, we didn't have sufficient money that we could put into it. The suggestions of how we could get that money we could not agree to. Although the machine is built and it's a lovely beautiful machine. It's got a good paint job and she'll run fine as long as we put some fuel into her tanks. That fuel is in the way of money. It gets things done and makes things run, and my amendment tries to do that. My amendment to L.D. 1786 simply says that any energy that is transmitted in a transportation corridor, and specifically the I-95 corridor, the I-295 corridor and the corridor leading from Searsport to Loring, any money that might be able to be generated with energy transmission in any of those three corridors, and I say 'might' because there is no

guarantee that it will, but if it is, one half of that money will go to a fund called the Efficiency Maine Trust. My amendment, the amendment before you today that I ask you to support, will say that the other half of that money goes to our current transportation infrastructure in the Department of Transportation for purposes, including but not limited to, increasing the energy efficiency of, or reducing reliance on fossil fuels within the transportation system. That's a worthy goal and it's not inconsistent, I submit to you, with the goals and the efforts that the task force that worked on this issue, and the piece of legislation that this amendment is to be attached to sets out. I think it's entirely consistent and I think at the same time that it does address some of the needs of our transportation and highway system. The two accounts that we have that can benefit from these revenues, the most in my mind, are a fund called TransCap, short for Transportation Capital, where monies that go into that fund can be used to pay cash, pay as we go, for transportation capital projects, or they can be used to service revenue bonds that might be generated from that. Money can also go into an account that we call the STAR account that deals with air, rail, transit and other transportation efforts. It gives us the flexibility and the opportunity to put some fuel in those tanks and to get some real benefit out of a bill that we passed in here that is now part of our law. I have worked diligently with our Senate co-chair of the committee that has brought the bill forward to us, L.D. 1786. As we should in many of our agreements, I have compromised and I have brought it to this point. I would really urge that if you can see it in yourselves to pass this amendment, attach it to that bill, and let's send it down to the other Body. With that, thank you very much, Madame President. Thank you ladies and gentlemen.

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

Senator **HOBBS:** Thank you, Madame President. Men and women of the Senate, I'd like to thank the Senator from Hancock, Senator Damon, for being involved so heavily within this legislature on an important issue to all of us, and it's intermodal transportation and transportation issues. This shouldn't be a testimonial speech, and I'll leave that until later, but I just wanted you to know and to put on the record that we owe you a great deal of gratitude for all of your efforts in this regard. I commend you and you will be sorely missed. This bill before you is a culmination of the work that began with the Select Committee on Maine's Energy Future that was chaired by the Majority Leader, the good Senator from Cumberland, Senator Bartlett, and the Representative from Eagle Lake, Representative Martin, of the other Body. As the result of the hard work of that particular select committee, part of their work was put off for future review to what is known as an energy corridor commission that was established by our last legislative session. I was fortunate to be the co-chair of that commission. We had legislative representatives, members of the business community, and individuals who have expertise in the areas of energy on that commission. It was a very long and tedious process that the commission followed that took seven meetings, and five months later it finished its work. As a result, there were many, many debates regarding many issues. We had issues surrounding the moratorium that was enacted last session on the permitting of some transmission lines and that particular moratorium is still in place. With the enactment of this bill and this amendment, the culmination of the hard work of the legislature and the two committees involved, the commission and the select

committee, it is our hope that we will put in place a blueprint to follow in the future, if in fact there are infrastructure corridors, or statutory corridors, or other corridors regarding the transmission of energy sources throughout our state lands, our rights of way and also a process by which the permitting of such proposals in different areas of high intensity transport areas. There will be a process in place that will take care of the possibility of a bypass by the utilization of rights of way, fee interest in property that some energy producer or transmission producer could have in the State of Maine in an attempt to circumvent the present laws and the future laws, and the future proposals of this infrastructure process and proposal before you. The committee added that language after a very convincing argument by the energy consumers group that is very active here in the State of Maine. I have provided for everyone a bill summary, which you should have on your desks, as well as a committee amendment summary that outlines the changes that the committee made from the study that came out of the commission. I urge all of you to take a look. It's broken down and I think you'll find it easy to follow. I have a philosophical agreement with the good Senator from Hancock, Senator Damon, but as in any type of debate with respect to these issues, sometimes you can find common ground and in this particular case the good Senator, myself, other members of the committee, and other individuals who are involved who are stakeholders, came up with this proposal that is a culmination of work between myself and the good Senator. It essentially takes 50 percent of any type of fees, lease payments, or license agreement payments to the Department of Transportation to utilize for energy efficiency purposes. It sounds too good to be true, but I have to forewarn everyone here that there are no resources coming presently, and there are no proposals that are before any agency or department. As someone told me, which I utilized in my conversations, 'this is basically Monopoly money.' Some people have referred to it as 'fool's gold.' I'm optimistic that in the future with the hard work of our Department of Transportation with the next Governor, whoever he or she is, and with this legislature and the stakeholders in the private sector, we will be able to utilize these energy infrastructure corridors in an attempt to make us more energy efficient and independent. In the spirit of compromise, I support this amendment and I urge you all to support this amendment and to pass this bill. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, I just want to say a few words. First of all, I want to go on record saying that I'm really not in favor of this change. I don't like to see a unanimous committee report altered in this particular way. I fully support funding transportation efforts in an appropriate manner and I even spoke to that issue with regard to the previous legislation that was before us on the bond. I think we should be funding our transportation infrastructure needs much more adequately, and clearly we're not doing a sufficient job. I don't believe that's a reason why we should siphon off funds for one need and take it away from a need. As chair of the Business, Research and Economic Development committee, one of the singularly biggest issues on businesses' minds are the high costs of energy. With respect, I will sit quietly unless there is some kind of a roll call on this vote. I certainly wanted to be on record to say that I think it's a mistake to take

away from a need that's even more pressing, which are our energy efficiency needs in this state, for another need which is our transportation infrastructure. I think it's a terrible mistake. I think it's wrong, and I think if we're going to fund our transportation we should do it appropriately. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you, Madame President. Men and women of the Senate, I rise today to join in support of this amendment, and I do so being an individual who was involved in the transmission commission that was under the leadership of the good Senator from York last fall. I rise not necessarily to speak on the individual merits and specific parts of the amendment, but just to note that this bill is more about long-term opportunity. It's not necessarily about the funds that could be generated, but it's really about what Maine is going to have for future development opportunities of fully building out our transmission, economic opportunities by making sure we prioritize on and off ramps and job creation in this state. Most importantly, that we'll be able to lower the cost of energy in the future. Lowering the cost of energy can have a greater impact on job creation than almost anything else we do here in this Body, many bills that we passed for efficiency and so forth. I know I had a conversation last year and I had it again last Sunday with a local ice cream dealer who said 'if I could just lower my cost of energy, I could hire another student in the summer.' I look at my good friend and colleague across the aisle, Senator Rector, and he would probably agree. That's just our local mom and pops. Can you imagine what opportunities some of the large manufacturing facilities could have and they could invest in this state? We could lower the cost of energy through some strong, smart, wise policy decisions. I think this is one of those and hopefully someone will take advantage of this framework. Thank you, Madame President.

On motion by Senator **DAMON** of Hancock, Senate Amendment "D" (S-549) to Committee Amendment "A" (H-809) **ADOPTED.**

Committee Amendment "A" (H-809) as Amended by Senate Amendment "D" (S-549) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

On motion by Senator **HOBBS** of York, Senate Amendment "A" (S-505) **READ.**

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

Senator **HOBBS:** Thank you, Madame President. Men and women of the Senate, this is an amendment that removes the authority for the Joint Standing Committee on Energy and Utilities to submit a bill to the First Regular Session of the 125th Legislature. It's consistent with the other amendments that have been put on other pieces of legislation with respect to committees of jurisdiction.

On motion by Senator **HOBBS** of York, Senate Amendment "A" (S-505) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-809) AS AMENDED BY SENATE AMENDMENT "D" (S-549) thereto, AND SENATE AMENDMENT "A" (S-505), in NON-CONCURRENCE,

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

Senator **BARTLETT:** Thank you, Madame President. Men and women of the Senate, I have apparently drawn the shortest straw and will start what I expect to be a round of farewells and appreciation for the extraordinary work we've done. Believe it or not we have finally come to the last moments of the session and we've done it in the light of day. It's a beautiful sunny day and people will be out of here in time to go home and celebrate with their families and friends. This has been an extraordinary two years as you begin to look back on it. We've worked together, Republicans and Democrats, to pass a supplemental budget, a budget, and another supplemental budget. It feels at times like we've done nothing but look at more ways to cut state government. And there have been moments when we wondered whether it would be possible, whether we could really afford to compromise. But we continued to work at it with a little help from our friends at the federal government, and we were able to patch together what I think are very strong budgets that will hold this state in good stead as we head forward. On any other number of initiatives we have worked across the aisle and when we haven't been able to, when we've disagreed, I think we've done it with extraordinary civility. One of the things that I have particularly enjoyed in working with the Republican leadership is that we may be in here at loggerheads, and we may be struggling through an issue, but we always were able to keep it light at the end of the day and maintain a level of decorum, friendship, and civility both in this chamber and outside the chamber. I think that's extraordinarily important. None of us took it personally or took ourselves too seriously, and I think that's how we have all been able to get through what has been a very difficult session. I want to take a moment to thank the staff of the Senate Majority office for their extraordinary work. They work tirelessly, both when we're in session and out of session, helping us to serve our constituents and helping to make this place work. The same is true of the Senate Secretary and the Secretary's office, who provide an amazing level of service to us day in and day out, as does the staff of the entire state house. I again want to thank the Republican leadership for working hard and working together in good faith through difficult times and through the lighter moments as well. I want to thank the assistant Majority Leader, Lisa Marraché for her steadfast support and her help and leadership in keeping us moving on the floor. As well as our Appropriations chair, Senator Diamond, for working tirelessly and working in overdrive from the moment we got here last year to help us get through some very difficult budgets. Finally, I want to thank the

Senate President for her extraordinary leadership throughout the last two years. When I first came into the Legislature I was a freshman sitting in the front row right near Senator Mitchell. Rarely do freshmen have such experienced colleagues to work with. From the day I got here, I remember one of the first things she ever told me, and it was 'if you don't care who gets the credit, you can accomplish anything in this building.' That is so true. If you're willing to sit back and help other people to succeed, there really is no limit to what you can get done. That was the first lesson I learned and it's been one of many. Over the last two years to see her in action as our Senate President has been extraordinary. There are times when you feel like we're at loggerheads having a difficult time getting things done, and she has a way of getting people together, a way of forcing people to face harsh realities and a way of being able to be both confrontational and accommodating. From the moment I first started working with Senator Mitchell, there are times when we'd come at things very differently. We'd work at it and we continued to discuss, argue and debate, and at the end of the day we'd usually end up in the same place because there's always a give and take, and there's always a willingness to listen as well as being a strong advocate. I thank you for your extraordinary leadership and wish you all the best in your future endeavors. We also have a small gift for you that I believe is on its way into the chamber, a token from all members of the Senate who wish to contribute and make sure that you had something special that you could take with you, perhaps up to Kineo, to remember us by in the years ahead.

THE PRESIDENT: I thank you all. I want to know more about where that came from, but if you have grandchildren or children, all I can think of are the Berenstain Bears and I also think of Moosehead Lake. It's going to be great up there by the lake when we ever get there.

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

Senator **RAYE:** Thank you, Madame President. Men and women of the Senate, as we close the Second Session of the 124th Legislature, I want to take just a moment to say a few words about this legislature and those who serve in this Body. Let me preface my remarks by making it very clear, and let there be no mistake, I wish that Republicans were holding the gavel. But in the last election the voters made a different decision, so we have worked respectfully, cordially and with sincerity to advance the principles that we ran on in a constructive way to shape policy. That has been possible because of the good relationships that we have forged throughout this chamber and across the aisles, but particularly in my case, with the leadership from the other side of the aisle. Civility is a rare commodity in American politics these days, and I think that we here in the Maine Legislature can be proud of continuing the tradition that is part of our heritage of ensuring that civility prevails. With respect to the leadership on the Democratic side, Senator Marraché and I became friends as seatmates on the Health and Human Services Committee in the 123rd Legislature. We developed a good working relationship there that has continued during our service in leadership and I'm happy to count her as a friend. Senator Bartlett is an able sparring partner in the debates that pop up from time to time here

on the floor, all of them again, from the heart without getting personal. I enjoy working with him and as a counterpart, each of us representing our respective caucus, seeking to make things run smoothly, and I thank him for doing that well. President Mitchell and I arrived in the Senate at the same time. Of course I knew her by reputation, and I knew that reputation was that of a tough partisan, which she is. We developed a very good rapport very early on in our Senate years together, working together on a number of issues and developing a mutual respect that I believe has served us both well, and this body well, particularly since our respective transitions to leadership. She has made history here as the first woman to serve as the presiding officer of both legislative chambers. It was a pleasure to be here during that historic time for you. I certainly wish you well as you prepare for the next chapter in your life. On my side of the aisle what a terrific leadership partner I have in the Senator from York, Senator Courtney. I could not ask for a better one. He not only has a keen mind, but he possesses a unique combination of bulldog tenacity, disarming candor and gracious pragmatism. He has become one of my closest friends in Augusta and I count that as a blessing. Then there is my caucus. I am so proud of this group of principled, dedicated, caring people of great integrity who serve this state and their constituents so well. What a credit each of you is to the political process. It is an honor to serve you and it is an honor to serve with you. To my friends across the aisle, again, good people of integrity. I have many friendships on both sides of the aisle that mean a lot to me and always will. We know, Madame President, that as of this moment, there are nine members of the Senate who will not be returning next year. On the Democratic side, in addition to the President, Senator Bowman who upon arriving here was thrown in feet first as chairman of the Education Committee working on some very difficult issues, and later as chair of Insurance and Financial Services. He has always risen to the occasion. Senator Bryant, chair of the IF & W Committee. I don't know about you, but I will never again participate in a debate about motorized recreation without thinking of Senator Bryant. Senator Damon, the roads and fish guy. He is somebody I've always been able to understand because he speaks without an accent and he knows what a mess of clams is. It's been a pleasure to serve with you, Senator. On the Republican side, we have the good Senator from Piscataquis, Senator Smith, whose service on the Natural Resources Committee and formerly on the Utilities and Energy Committee, has been of great benefit to the people of Maine. His careful attention to detail has improved so many pieces of legislation and helped us all to find consensus. He is one of our conservative consciences here in the Senate, and I know that he and his lovely wife Cartha are looking forward to more well-deserved time together with their families. It has been a pleasure to serve with you. To Senator Weston, who during her service here on the Education Committee and in leadership, has demonstrated a passion for ensuring a strong foundation for the children of this state. She and Peter have my best wishes for what life holds in store for them in the next chapter in their lives. Senator Gooley of Franklin, our resident forester and a champion for transportation, whose good nature has endeared him to everyone in this chamber. His years of legislative service in the other Body, and the Senate have been of great benefit to the people of his county and to the people of Maine. I wish him and his wife Joanne many years of happiness on that Christmas tree farm. Senator Nass of York, who through his service on the Taxation, Appropriations, and Government Oversight committees,

has established a well-deserved reputation as the fiscal watchdog of the Senate. I have enormous respect for Senator Nass and I sincerely hope that we have not seen the last of him in Augusta, and I wish he and his Joan wife well. The indefatigable Peter Mills, a member of a remarkable Maine family and a Senator whose intellect, energy and encyclopedic knowledge of state government have brought so much to this chamber. Think of the committees he has served on, HHS, Labor, Appropriations, Education, all the heavy lifting. In so many ways Senator Mills is a go-to guy and I wish him and his wife well as he prepares to leave for greener pastures. Together these nine senators represent 54 years of service in this Chamber and that does not count the service that seven of them had in the other Body. We will miss each of you. Madame President, the curtain is about to fall on the 124th Legislature, and what an incredible chapter it has been in all of our lives and to everyone, including our wonderful staff on both sides. Most especially to Mary Small, Bonnie Gould, John Bott, Sara Vanderwood, Meghan McMahon and Martha Demeritt, who helped each of us to do our jobs better and who in their own way are providing important service to the people of Maine. Thank you from the bottom of my heart. I will always cherish this experience, the honor and privilege of serving my district and my caucus in this position. May God bless the Maine Senate.

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

Senator **DIAMOND**: Thank you, Madame President. Ladies and gentlemen of the Senate, just a couple of brief words. I first met Senate President Elizabeth Mitchell in 1974 when I was a mere lad of 10. She and her husband came to my house because her husband Jim, who really was the one I thought was going to be the politician, a class act. I decided to help him in my first political venture ever when he ran for Congress along with seven other people. He surprised a lot of folks and came in second and probably should have won that race. I want to say to you, Madame President, I've known you since then and I appreciate working with you both in the other Body when you were the Majority Leader and I was the assistant Leader. You taught me so much there and I appreciate all of that. I wanted to be sure to say thank you for that time and maybe for putting me on Appropriations. I'm still thinking twice about that one, but I appreciate that appointment. Thank you for your confidence. I also want to thank Senator Craven and Senator Rosen for putting in so many hours over the last two years, more hours than probably most of you realize. It seems like the work there never ends. I just want to say a special thank you to both Senator Rosen and Senator Craven because their commitment and dedication was immeasurable and I thank them for that. I appreciate the good comments from the Senator from Washington when he mentioned all the retirees. I think that was very well done and I just wanted to underline that we in Appropriations refer to Senator Bryant as 'One More Amendment' Bryant. Sometimes that never ends, and we're going to miss that, Senator Bryant. To Admiral Bowman who is also one we could go to on some real specific occasions, and he's been very helpful, I wish him well. Senator Damon, who I served with on Transportation, Mr. Transportation. He never gave up on all of his endeavors to make transportation better in the State of Maine.

I want to thank you for working with me and me working with you, I think I benefited greatly from that. My brother-in-law, Senator McCormick, who causes more trouble in our family than most of you realize. They all think he's right and think that I'm wrong. It's been a privilege to serve with Senator McCormick. And I want to thank all of you because of all the work we had to do, and all the policy questions we had to come to you on, as you are the experts in your areas. As far as Appropriations goes, we couldn't have done what we did without you. Lastly, thank you to the Majority and Minority Leaders and to the Majority staff whom I've worked with closely for two years, Lisa Marie and Sally and Tiff for all the work that they've done for us. Thank you all and I wish you all well.

Senator **MARRACHÉ** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **MARRACHÉ**: Thank you, Madame President. Men and women of the Senate, I just wanted to rise, and thankfully it's not in the middle of the night, so I figured I had a few moments to add my two cents. I want to thank everybody for a wonderful two years and I would be remiss if I didn't thank the Senate President. She was a wonderful mentor to me this whole time and I enjoyed working with you immensely. And to my Majority Leader, my co-chair, I've enjoyed working with you, and we've done a lot these two years and I'm really glad to be a part of this team. I also want to thank my two gentlemen over here. We've had a lot of fun laughing, a lot of fun fighting, but in the end we passed two budgets with a two-thirds vote and bonds with two-thirds. That's a phenomenal feat, by the way, when you look across our country and what's happening in Washington, we should all be proud of the leadership that we've had here this year and last year. Because I probably won't be serving with Peter Mills anytime soon, I want to say thank you for our unholy alliances on occasion on committee. It's been wonderful working with you. And for all our other members who are moving on, it's kind of like when you're a junior and watching all the senior class leaving, you kind of miss them and think about them not being here next time, and I really am going to miss all of you who are moving on. I hope you have a wonderful life outside of this building. Don't look back, we'll still be fighting, we'll still be here. Thank you.

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

Senator **COURTNEY**: Thank you, Madame President. Men and women of the Senate, it's an honor to stand up here on this last day just to say how much I appreciate the relationships we've all developed over the last couple of years. Madame President, I know when we were sitting over in the corner in Judiciary and you were telling me the committee assignments and Senator Raye was on his way down from Washington. We made a commitment and we said it wasn't our intent to throw a bomb across the hall, it was our intent to work together whenever possible, but never give up our true core beliefs. I think we've done that. We've tried to do that. We've fought and we've fought viciously, yet we've never retreated from that commitment that we made that day. For that I think the people of Maine have benefited. My dear friends on this

side of the aisle, especially those who are leaving, thank you for the honor of being part of this leadership team. When I came into leadership, one thing I felt very strongly about was that this office didn't belong to any one person, it belonged to all of the people of the caucus. I think you'll notice with all the chairs crammed in my office, we've certainly tried to do that. We heard earlier that there's no telling what you can do if you don't care who gets the credit and I honestly believe that. I believe that even though it came from Ronald Reagan. Sorry, guys. It's good advice, and I think you can accomplish an amazing amount. We've been through some of the most perilous times in our state's history over the last two years. We've faced challenges that no other legislature has ever faced with revenues that are just dropping off the face of the earth. But we got through it, and we got through it without raising taxes, and we got through it by holding to our core beliefs. Thank you. I just want to single out one of our retiring members, my mentor, the good fellow Senator from York, Senator Nass. Thank you for your counsel, support and direction. It's very, very much appreciated. The biggest honor for me probably over the last couple of years is having the opportunity to work alongside my good friend Senator Raye from Washington. He's become a much better friend as I've gotten to know him. The respect that he commands, not only in this building but outside this building and across the state, is unprecedented. His willingness to be firm, yet continuing to talk is a lesson for all of us across the state. Just because somebody says 'no' doesn't mean that's the end of the conversation. If you're willing to continue to work, and continue to talk, there's no telling what you can do for the people of Maine. With that, it's been an honor to be part of this two-year journey and I'm looking forward to the next one. Thank you, Madame President.

THE PRESIDENT: The Chair also requests permission to speak on the record. I've loved and I'm so honored to have been President of this distinguished extraordinary group of people, but there's one thing you give up, you don't get to give speeches. You've all been blessed by that. While I'm making a few remarks, I'm going to ask staff in the Senate President's office, the Majority office, and the Republican office to wander into the chamber because we're going to want to see your faces and thank you personally. I do have a couple of things I would like to say other than thank you. I want to tell you about the view from the podium and the things that the President sees. But I must tell you that I have been through now, 12 sine die adjournments, but this one really is sine die. I must tell you that it is a very bittersweet moment. This morning I got up and I pulled out my swearing-in suit. I put it on again because I knew today we were going adjourn sine die, so it's a good luck thing. I came in in this suit, I'm going out in this suit, and perhaps I'll be buried in this suit. At any rate, it's a good luck suit. I also, as you all do every morning, came a little more slowly up that walk, and I looked up. I'm not going to choke up about this, but we are among the most fortunate people on the face of the earth, that our constituents gave us permission to come down here and do the best we can to speak for them. I want to do a few things first, I want to tell you about my view from up here as I've watched you for two years.

First, there's Barry Hobbins always looking good over there, making sure his hair is good. But he's also a master of compromise, my gosh this man has more consensus reports and only Dennis Damon messed up his record, but he agreed to it, so

that was a good thing. Thank you, Barry, for your guidance and your leadership.

I have never met a more stubborn tenacious man in my life who I like better than Bruce Bryant. Whether it's ATVs or saltwater fishing, I see Bruce in my dreams as he fights about all of these things. Nevertheless, Bruce has never lost sight of the people that don't always have a voice here that he cares so deeply about. He does it while he's working in the mill, pretty extraordinary. And he's in that seat, usually smiling. But when he's smiling you always wonder what he's up to.

Then there's Dennis Damon, and I hope Dennis will make one of his end of session orations because I've never heard a more articulate, passionate man in my life. Dennis won't mind if I say this, I don't think. In one of those confrontations between the two of them, somebody referred to him as a 'stubborn walrus.' He is such a good-natured man that he did not even take offense at it because he fights for what he believes in.

Then there's Joe Perry, our absolute shining light of the Senate caucus. He comes roaring in about 10:30, 10:45, or whatever, but actually he's doing good things at home. He always brings a smile. Don't ever take that 'aw-shucks' look lightly, because when he lets loose, he takes off the coat and he tells us all about tax reform. He probably knows more about it than even you, Richard Nass, he is quite good.

Nancy Sullivan brings her good schoolteacher manners to us because we need good manners, and she reminds us of that. She is an ardent fighter for the people of York County, and she also lets you take off your jackets. When she's angry I always look at her very carefully to see if I'm doing the right thing and get her recognized.

John Nutting has had an extraordinary session. We all know about his passion for cows, and we know a lot more about dairy than we ever would have known. But there's another side of John which speaks to me very, very seriously. He brings his passion and commitment for making life better for those who are mentally ill. Absolutely extraordinary that he's working around the clock, doing things that we can't imagine and getting here to lead business in the session.

Then there's Joe Brannigan who comes in, in a very dramatic form today, on his knee wheelchair or whatever that is. We're glad you're better and we're thrilled that Claire let you out and brought you here. More importantly, Joe, who has seen about as many sessions as I have or maybe more, I'm not sure, but his acerbic wit is unbelievable. It keeps us all humble and in our places. I think he tries to keep you in your places too when he talks about this being a business-friendly piece of legislation. He is so funny, and so smart, and so compassionate and we love him.

Bill Diamond, I hope you're still grateful for having been chair of the Appropriations Committee. No one could have had a tougher assignment than to try and guide that committee through the rocks and the shoals of probably the worst recession any of us have ever seen.

I'm skipping over to Peter Mills. If you think of one more amendment, Peter, I'm going to bang the gavel down. Peter is absolutely brilliant and he sets a new standard for us to think about the quality of the legislation that we put forth, and we thank you for that, Peter. Thank you for your leadership and making us think about what is going on.

Richard Nass and I probably don't agree on anything except I love working with Richard and I always like watching his face. This is a view from the podium. He's always with a smile, he

always disagrees in a very professional way, and he stands up and fights like crazy for the things that he believes in. That is very, very important, Richard. Don't ever forget your contributions.

Now I turn to Mr. Hastings, our legal scholar. He brings an air of gravitas to this body as he talks about the legal issues before us and we appreciate that.

Carol Weston really gets wound up when we're talking about education and that's a wonderful thing. She fights for the kids every day she comes here and tries to make us think about what we're doing to make sure the kids get a good education. Thank you, Carol.

Mr. Rosen's speech last year about the budget was so good I demanded a copy of it, because he had the ability to articulately and succinctly talk about what went into that. Your willingness to work with Bill and with Margaret, to get the job done allowed us to feel very good about doing tough stuff. We thank you for your leadership and your ability to explain to us what we just did. Thank you.

Mr. Sherman over there, what a voice for Aroostook County, but you also get the schoolteacher piece coming out. He gets up and he lectures us on and on, which is good. We also know a lot more about Aroostook County and your true roots, and how much you believe in what you say. I remember something you told me a couple of days ago, that you were congratulated on being a man of principle. And that you are, thank you.

I have one story about Walter Gooley because this is how I came in. When I was Speaker of the House, I thought I would have everything Maine. I had this idea that I would get some wool from Carlton Woolen Mills, get a tourmaline or something, so I had a local woman make a dress for me. It was in Farmington, so Mr. Gooley brought the dress to me from Farmington. Unfortunately, I never wore it because I looked like something out of the 'Sound of Music.' Nevertheless, he did that and I can't imagine anybody lighting the furnace of the state house with more flair than you did at the beginning of the session.

Deb Plowman is another person I disagree with all the time, but she is very passionate. I admire that, and in spite of all that bravado in trying to lecture us all the time, she cares so deeply, and she raised a lot of money for a woman who needed her help. Behind that bark is a very nice person, and I really have enjoyed working with you. I also knew her when she brought her little baby girl Olivia to the House. I think we put her in a desk drawer while she tried to legislate down on that end.

My neighbor from Kennebec, Earl McCormick, I loved seeing the standoff between the two of you, but it was always professional and never personal, and you really have added so much. I'm so sorry the family has gotten mixed up about which one of you is right, you or Bill, so I'll let you work that out.

Doug Smith, I've known this young man for a long time. He was a judge of probate and I went to a judge of probate conference with him. His sharing with us his love of history and Piscataquis County, all of those things are extraordinarily important to us, Doug. Thank you so much.

And then here's this articulate man, Mr. Davis. He's so polite, sometimes when he says 'may I speak now?' and I'd watch him and mouth 'wait, wait.' He was so interested in getting up and making his case heard. Once a coach and a teacher, always a coach and a teacher. He's been coaching me for a very long time and I love his attitude. I served on Education with Gerry and he, like Carol, was always there fighting for the kids.

Mr. Rector, our distinguished bow tie guy, who really has been a leader on economic development in putting this state in a new place. You've worked on the BRED committee but you have many ideas that you brought forward, and we thank you for elevating the debate here.

Then there's this other wonderful person, David Trahan. When I'm up here I watch his face and I want to make sure I'm paying attention. He always has a smile on his face, except when he was debating Bruce about those fish. I want to thank you for trying to set a tone of civility.

Elizabeth Schneider, we're all 20 pounds heavier because of your great cooking. Elizabeth's idea of trying to bring us all together is very welcome in this place and it has paid off for us.

And then there's Stan Gerzofsky. I try to make sure his blood pressure doesn't go up. One of you will say something and I'll see him and I'll say 'sit down, sit down.' Somebody was just talking about the Brunswick Naval Air Station and they weren't trying to do anything to it. He was coming out of his chair, so I want to warn you, don't go there with Stan.

Then there's our lovely Irish woman, Margaret Craven, who is passionate and absolutely stellar. What a commitment you've made to Appropriations.

Deb Simpson, what would we do without you? In our caucus when we get a little whacky, Deb is the voice of reason. She keeps us right on point with what's really important and she knits through it all, which is pretty amazing.

Seth Goodall, our young up and comer, what a job you have done stepping up to the plate, chairing the committees, bringing forth good ideas, and you're not afraid to stand up to that senior citizen over there, Senator Hobbins or to me or anybody else. This is a very important characteristic you have.

Justin Alford, thank you for taking on Education. I asked someone to stand up and fight for education, including higher education and you didn't miss a beat. Wasn't it fun? We threw you right into the middle of it.

Troy will make a decision to make a speech and he's already decided he's got to vote some other way to compromise, but he's so compelling I vote the other way because I listen to him. I've never heard anybody speak from the heart more than Troy Jackson. Honestly Troy, your style of communicating with us is something I will take with me for a long time.

Larry Bliss, the fantastic chairman of Judiciary and he's not even a lawyer. Isn't that great, you're now an honorary lawyer. What a job you did.

Peter Bowman is not just an acquaintance, Peter Bowman is now one of my very best friends. We went through trial by fire through school consolidation and that will bond you.

I want to do something else before I talk about the floor Leaders and I'm going to do it quickly. I love history, so bear with me for just a moment. Instead of writing a new speech, I thought it would be kind of fun to look at what I said to you two years ago. The people of this state trust us to work together. They understand that when times are tough neighbors and communities come together and they expect the same from their legislative leaders. I'm so fortunate to be working with Republican Minority Leader, Senator Kevin Raye of Washington County. Kevin did an outstanding job on the Health and Human Services Committee. In a tough budget cycle he fought to protect the most vulnerable citizens and still found creative ways to save money. Not only does Kevin share a commitment to bipartisan action, his company makes one heck of a mustard. Senator Courtney, the Assistant Leader, has also shown a great

willingness to work across party lines, and his passion for economic development will be an important role as we work into this 21st Century economy. We are very lucky to work with Governor John Baldacci, who time and time again has demonstrated a fundamental commitment to reform. And then I quoted Rahm Emanuel, about a crisis, to an important thing to waste, and I think you can all admit we didn't waste a single crisis, we had plenty of them. We must recognize that no political party or single elected official has a monopoly on good ideas. We must listen first and foremost to the thoughts and the concerns, the ideas and the positions, and the hopes and aspirations of the people we represent. I challenged you to listen and you did. That was the first time I came in, when I was sworn in, but I want to read you the last sentence of my remarks at the beginning of this session. 'When we as a Senate work together to address Maine's problems, we will come out of this global recession looking differently at how government works. If we honor and protect our core Maine values we will preserve the special Maine that we all love. We will create opportunities for our children and our grandchildren. Getting through hard times with a sense of community is the Maine way. We can do no less. We're strong, we're compassionate, and we are Maine.' And indeed we are. Those people who helped us accomplish these things, all the things we said we'd do together, we have actually done, we've kept our promises and I thank you for that. I'd like to introduce the people who really made it work.

From my office, and would you stand as I call your name, Peggy Schaffer. She's my chief of staff, but she calls herself the 'chief of stuff.' Ted Potter, whom we lured out of retirement, David Loughran, Garrett Corbin, Alex Pringle, and 'Magic' Marcia Homstead.

From the Senate Majority Office, another 'chief of stuff,' Chuck Quintero, Dan Shagoury, Darek Grant, please stand as I call your name, Tiffany Leonard, Michael Johnson, Michael Dunn, Lisa Cote and Sally Tribbet, would you please stand and accept our thanks.

From the Senate Minority Office, another 'chief of stuff,' Mary Small, Sara Vanderwood, Martha Demeritt, Bonnie Gould, Jon Bott and Meghan McMahon, please stand and accept thanks from the Senate.

And we all know we couldn't get through this place without Joy O'Brien. I call her 'Joyous' and I'm sure you do too some of the time. With Joy, I want her staff to stand, we have Judi DeFranco, Dottie Cannelli, Tabetha Peters, Deborah Jabar, Lisa Dresser, Nancy Birch, and Barbara Thayer. Would you stand and accept our gratitude.

And then there's that wonderful chamber staff. I always will remember as long as I live when I asked Ivan to quiet down the people out there, and he goes out and yells at the top of his lungs. Sean Paulhus, Sergeant-at-Arms, Adam Gottlieb, Ivan Smith, Louis Simms, Crystal Carpenter and Jan Clark, please accept the thanks of the Maine Senate.

We're all a little bit thanked out, but again, from the bottom of my heart, thank you so much for the honor of serving with you. And the good news that I have for you is that we have two bills to do. I don't think in all those 12 times I've ever adjourned in the daylight, so this is an extraordinary opportunity for you. If you're a freshman you don't know that this is unusual.

ORDERS OF THE DAY

On motion by Senator **DIAMOND** of Cumberland, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, To Transfer The Ownership Of The Fort Kent Armory From The Military Bureau To The University Of Maine At Fort Kent

H.P. 1253 L.D. 1759
(H "A" H-831)

Tabled - April 7, 2010, Senator **DIAMOND** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 7, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-831)**, in concurrence.)

(In House, April 7, 2010, **FINALLY PASSED**.)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Regarding Energy Infrastructure Development"

H.P. 1274 L.D. 1786
(S "D" S-549 to C "A" H-809;
S "A" S-505)

In House, March 31, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-809)**.

In Senate, April 12, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-809) AS AMENDED BY SENATE AMENDMENT "D" (S-549) thereto, AND SENATE AMENDMENT "A" (S-505)**, in **NON-CONCURRENCE**.

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

On motion by Senator **HOBBS** of York, the Senate **RECEDED** and **CONCURRED**.

Ordered sent forthwith to the Engrossing Division.

THE PRESIDENT: The Chair is a little scatterbrained today, and I never had a chance to thank Lisa and Phil, if you will indulge me for one more moment. They were in the speech, and you were too, but I cut that part out. I want to apologize because what an extraordinary job. I could always look to the Senator from Cumberland, Senator Bartlett, when I needed help up here. He knew when to table, he knew when to make announcements, he knew when to call a caucus, but he also knew when to make a speech which brought us back to what we were talking about. His insights, his being so articulate, and a fabulous person to work with. I could call him anytime, he's on speed dial, so that we could work together. What a marvelous job you've done and I'm so grateful to have you as a partner. Senator Marraché, unbelievable. She's your doctor, she's your counselor, she's your coach, what a wonderful young woman to work with. You can expect great things of all of the people who are coming back. I know this legislature's in great hands. As Senator Marraché knows, she's quite a fighter and this is good. She stands up for what she believes in, and she's always pushing back on me asking me why I think a certain thing. She reminds me so much of my daughters and I appreciate that kind of push back. What a fabulous job you two have done as leaders of our caucus. Thank you very, very much on behalf of all of us.

Off Record Remarks

On motion by Senator **BARTLETT** of Cumberland,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

At this point a message was received from the House of Representatives, borne by Representative PIOTTI of Unity informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

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 Regarding Energy Infrastructure Development
H.P. 1274 L.D. 1786
(C "A" H-809)

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

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

ORDERS

On motion by Senator **BARTLETT** of Cumberland, the following Senate Order:

S.O. 22

ORDERED, that a message be sent to Governor John E. Baldacci informing him that the Senate is ready to Adjourn Without Day, and invite him to attend and make such communications as pleases him.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **BARTLETT** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

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

On motion by Senator **MARRACHÉ** of Kennebec, the following Senate Order:

S.O. 23

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate is ready to Adjourn Without Day.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **MARRACHÉ** to deliver the message to the House. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Kennebec, Senator **MARRACHÉ** reported that she had delivered the message with which she was charged.

Senate at Ease.

Senate called to order by the President.

The Honorable John E. Baldacci, Governor of the State of Maine, entered and addressed the Senate.

GOVERNOR BALDACC: Thank you very much, Madame President. This is the first time I've ever done it the daylight hours on the early end of the evening, but it just shows how efficient you all have been. I want to thank Madame President for her leadership. Leader Bartlett and Leader Senator Marraché. I want to thank Kevin Raye for his leadership and Jon Courtney. I especially appreciate how people came together this weekend and had a discussion and were able to recognize the difference but be able to find a common path to move this state forward. I think with all the things that are going on in Washington and the ideological fragmentation and polarization of politics that has happened I think in our state, and I think we can be proud about it, Maine is different. I think you have proven it. We came together to balance the State budget. We protected the most vulnerable. We made important investments in education and improved our schools so our kids have the best opportunities for success. We reduced State spending and made changes that will reduce costs going forward. The work you've done has helped to put Maine on the path to recovery and economic growth. For that I say thank you. Your accomplishments are many. You've moved Maine further down the road for energy independence and security. You've made our environment cleaner. You've helped Maine businesses and improved the health care for Maine's people. I know that in the final days of the session patience has been tested and nerves have been frayed. There have been arguments and, at times, hurt feelings. We've all compromised and accepted difficult outcomes but we've continued to work for the people of this state. Today we passed an important bond package that will create jobs. It will save rail service in Aroostook County. It's not just Aroostook County, this rail service will impact the entire state. It will make critical investments in other roads, ports, and rails and education. As time passes the disagreements will fade and you'll remember most the people and the successes. There have been many. The relationships will last a lifetime and the accomplishments will benefit the state and the people for many years to come. I personally want to thank you for your work, your dedication, and your sacrifices that you have all made to benefit the State of Maine. You have made a real difference in countless lives of many Maine people and for that I say thank you. I say God bless you and God bless the State of Maine. Thank you very much.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

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

On motion by Senator **BRANNIGAN** of Cumberland, the Honorable **ELIZABETH H. MITCHELL**, President of the Senate, declared the Second Regular Session of the 124th Legislature, **ADJOURNED SINE DIE** at 4:57 in the afternoon.