

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 3, 2014

beginning at Page 1

STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
July 16, 2015

Senate called to order by President Michael D. Thibodeau of
Waldo County.

Prayer by President Michael D. Thibodeau of Waldo County.

PRESIDENT THIBODEAU: I have the privilege today of being asked to offer this morning's prayer. I can't tell you how many folks have come up to me and asked if I was prepared to do that. I assured them that I was Baptist and Baptists are always ready to pray. If you would join me in prayer.

Lord, we thank You for bringing us back here today, together, so that we could act upon the State's business on the last day of this legislative session. Lord, we take time to remember Representative Noon and his family and ask that You comfort them in their loss. I thank You that we had the privilege of knowing Representative Noon and we certainly grieve his loss as well. Lord, we came before You on multiple occasions over the past six months asking repeatedly for Your guidance and Your wisdom. Lord, we do that again this morning. I ask that You give this Senate guidance and wisdom that can only come from You. I pray all this in Jesus' name. Amen.

Pledge of Allegiance led by Senator Thomas B. Saviello of
Franklin County.

Reading of the Journal of Tuesday, June 30, 2015.

Doctor of the day, Andrew Fletcher, MD of Dover Foxcroft.

Off Record Remarks

Senator **SAVIELLO** of Franklin requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Legislative Day.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Maine State Police Detective Scott Bryant, of Jackson, who has been honored with the 2015 Charles Black Trooper of the Year Award. The award is named in memory of Trooper Charles Black, who was shot and killed in the line of duty while responding to a bank robbery in South Berwick in 1964. Detective Bryant, who joined the State Police in 1995 and was promoted to detective in 2003, is the longest-serving member of the Department of Public Safety's evidence response team, a specially trained group of investigators that gathers evidence at crime scenes. We extend to Detective Bryant our congratulations and our appreciation for his commitment to the safety and welfare of Maine citizens;

SLS 612

Sponsored by President THIBODEAU of Waldo.
Cosponsored by Representative: KINNEY of Knox.

READ.

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

Senator **DAVIS:** Thank you very much, Mr. President. It is with a great deal of pride and honor and a great feeling of blessing that I stand this morning to honor one of my colleagues in the Maine State Police. Detective Scott Bryant has been named Maine State Trooper of the Year. Just a little bit about him. He's not only a 20 year veteran of the Maine State Police but he also served our nation in the Air Force during the conflicts of Desert Shield and Desert Storm. Detective Bryant is the longest serving member of the State Police evidence response team, which is a specially trained group of investigators that gather evidence at crime scenes. The Chief of the Maine State Police, Colonel Robert Williams, said in a news release that Detective Bryant will go anywhere and respond at any time if an evidence technician is needed. He is the State Police expert on evidence gathering and his work schedule shows his commitment. Detective Bryant joined the State Police in 1995 and he's been a Detective since 2003. He lives with his wife of 24 years in the small town of Jackson and they have two daughters. He is known for always having a great smile. His wife is Cherdelle and his daughters are Kyia and Alley. I'm sure I murdered the pronunciation of that.

I lived in small towns for 23 years as a State Trooper and it's an experience all in its own. To most small towns, and certainly in the town of Jackson, you are the law enforcement. When your neighbors need law enforcement they come pounding on your door. It matters not whether it be 9 o'clock on Monday morning or 3 o'clock on Sunday morning. I have had the occasion to look out my bedroom window and see a couple of guys that imbibed slightly more than they should have at 3 o'clock on Sunday morning in my dooryard. I'm sure that Detective Bryant experienced many of the same things. I'm sure of it. It not only ends with just the Detective or the Trooper or the Deputy or the town police officer, it's also with their families, their wives. They become dispatchers. Things happen, they call the house, they have to call the barracks, they have to call to get assistance, they

call the Sheriff's Office or wherever. It's an experience that, if you haven't had it, is difficult to describe.

I asked the staff to look up a poem for me that I think reflects Detective Bryant very well and I'd like to read it, Mr. President. It's titled "I am the officer." It says, "I have been where you fear to be. I have seen what you fear to see. I have done what you fear to do. All these things I have done for you. I am the person you lean upon. The one you cast your scorn upon. The one you bring your troubles to. All these people I've been to you. The one you ask to stand apart. The one you feel should have no heart. The one you call the officer in blue," or brown and sometimes white, "but I'm just a person just like you. Through the years I've come to see that I am not always what you ask of me. So take this badge, take this gun. Will you take it anyone? When you watch a person die or hear a battered baby cry do you think you can be all these things you ask of me?"

Again, I believe this typifies Detective Scott Bryant. Thank you very much, Mr. President.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, and Detective Bryant, it is my privilege to stand up. I can't talk to compete with what my good friend from Piscataquis just said. Very eloquent words about the job and Detective Bryant. Detective Bryant, it's always a privilege to acknowledge a brother Trooper. I guess we would say he's the little brother Trooper to me because Detective Bryant came to work a year after I retired. I never had the opportunity to work with him but I know a bit about what he endured through his career. He deserves the congratulations of this Body and the state of Maine for what he has done and is being recognized here for. I want to thank the Colonel. I think I saw him a little while ago here. Colonel, it's good to see you, sir. Thank you for bringing him here today. I want to thank his family for sticking with him through this 20 year career, and who knows how much longer. It's all about family. Family is what gets you going and keeps you going year after year. I'm sure Detective Bryant realizes that. I know that these accolades and these rewards and awards don't come easy. Detective Bryant certainly has earned everything that is being attributed to him and I want to congratulate him in front of this Body and thank him so much for his service and thank the department for bringing him here today. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Detective Scott Bryant; his wife, Cherdelle; his daughters, Kyia and Alley; his mother, Marion Leclere; and the Chief of the State Police, Colonel Robert Williams. Would they all rise and accept the greetings of the Maine Senate.

Boston area, Chewonki moved to Wiscasset in 1918. Today, girls and young women as well as boys and young men from around the world come to Chewonki year-round. Chewonki educates over 20,000 young people each year to become leaders skilled at working together toward the greater good, responding thoughtfully to today's environmental, social, economic and technological changes. We extend to Chewonki our congratulations on its centennial and our best wishes for the future;

SLS 639

Sponsored by Senator JOHNSON of Lincoln.
Cosponsored by Representative: HANLEY of Pittston.

READ.

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen, it's a pleasure for me to help recognize the 100 years of Chewonki's existence and the many things that they have done to contribute not only to the knowledge and the lives of young leaders from all over the world but to the Maine communities that it helps. In 1970 Chewonki diversified its legacy boy's camp into a year round education, initially by welcoming school groups from all over New England and beyond for intensive outdoor classroom learning programs. Since 1985 Chewonki has also delivered dynamic natural history lessons to participants through libraries, schools, and community centers across Maine, from York to Presque Isle. Since 1988 Chewonki has become nationally known as a fully accredited academic semester school for high achieving high school juniors, now with over 1,900 alumni around the world. Most recently, in addition to the boy's camp and co-educational summer trips throughout Maine and Eastern Canada, Chewonki now leads unique wilderness-based summer programs exclusively for girls. In 2014 Chewonki earned Maine Farmland Trust Forever Farm designation, given to farms with land permanently protected for agriculture and I know, personally, that they worked there to raise food which they contribute to those who are hungry in the communities they serve. It's a pleasure to commemorate this centennial year of Chewonki and I'd like you to know that more information than we have time to share today is available in a book, *Chewonki, 100 Years of Learning Outdoors*. It's a full color book, 256 pages with photographs and first person essays from across the decades. It is now available in local bookstores in the coast of Maine from Portland to Bar Harbor. Mr. President, it's a pleasure and honor to recognize Chewonki's 100th year celebrated this year. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize Willard Morgan, President of Chewonki. Would he please rise and accept the greetings of the Senate.

Chewonki, a camp and school in Wiscasset, on its centennial in 2015, celebrating 100 years of history and innovation in outdoor learning. Founded as a camp for boys in 1915 by Clarence Allen, a forward-looking science teacher and headmaster from the

COMMUNICATIONS

The Following Communication: H.C. 344

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

June 30, 2015

The Honorable Heather J.R. Priest
Secretary of the Senate
127th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

House Paper 310, Legislative Document 471, "An Act To Improve Childhood Vaccination Rates in Maine," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

83 voted in favor and 49 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 343

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

June 30, 2015

The 127th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine. I am hereby vetoing LD 919, "An Act To Provide Access to Opioid Analgesics with Abuse-deterrent Properties."

Far too many legislators make solemn-sounding promises to the voters who elect them, then sweep them aside as soon as they step foot into the exclusive, club-like atmosphere of the State House. Their giddy eagerness to get along with colleagues on both sides of the aisle swiftly supersedes their sworn duty to the people who sent them to Augusta.

This Legislature delayed its responsibilities for five months, negotiated a last-minute budget deal behind closed doors and is now passing bills at breakneck speed, just so they can pack up and go home for the summer. While they are busy high-fiving each other for hastily passing bills they haven't even read, the Maine people are left disenfranchised and without true representation.

Maine voters in last November's election clearly endorsed tax and welfare reforms, but this Legislature has denied them their Constitutional right to debate the issues at the ballot box.

Mainers deserve to know how their elected officials voted on public policies that could affect the future of our state. Therefore, to ensure each piece of legislation gets the widest possible representation in Augusta, legislators will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call.

For this reason, I return LD 919 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Provide Access to Opioid Analgesics with Abuse-deterrent Properties

H.P. 638 L.D. 919

Comes from the House, 119 members having voted in the affirmative and 13 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#421)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

ABSENT: Senator: VOLK

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, and 34 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: H.C. 342

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

June 30, 2015

The 127th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 666, "An Act To Allow a Patient To Designate a Caregiver in the Patient's Medical Record."

Far too many legislators make solemn-sounding promises to the voters who elect them, then sweep them aside as soon as they step foot into the exclusive, club-like atmosphere of the State House. Their giddy eagerness to get along with colleagues on both sides of the aisle swiftly supersedes their sworn duty to the people who sent them to Augusta.

This Legislature delayed its responsibilities for five months, negotiated a last-minute budget deal behind closed doors and is now passing bills at breakneck speed, just so they can pack up and go home for the summer. While they are busy high-fiving each other for hastily passing bills they haven't even read, the Maine people are left disenfranchised and without true representation.

Maine voters in last November's election clearly endorsed tax and welfare reforms, but this Legislature has denied them their Constitutional right to debate the issues at the ballot box.

Mainers deserve to know how their elected officials voted on public policies that could affect the future of our state. Therefore, to ensure each piece of legislation gets the widest possible representation in Augusta, legislators will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call.

For these reasons, I return LD 666 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Allow a Patient To Designate a Caregiver in the Patient's Medical Record

H.P. 447 L.D. 666

Comes from the House, 132 members having voted in the affirmative and none in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

The Chair noted the absence of the Senator from Cumberland, Senator **VOLK**, and further excused the same Senator from today's Roll Call votes.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#422)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

EXCUSED: Senator: VOLK

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, and 34 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: S.C. 507

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

30 June 2015

The 127th Legislature of the State of Maine State House
Augusta, ME

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 125, "An Act Extending Workers' Compensation Benefits to Certain Employees of the Office of the State Fire Marshal Who Contract Cancer."

Far too many legislators make solemn-sounding promises to the voters who elect them, then sweep them aside as soon as they step foot into the exclusive, club-like atmosphere of the State House. Their giddy eagerness to get along with colleagues on both sides of the aisle swiftly supersedes their sworn duty to the people who sent them to Augusta.

This Legislature delayed its responsibilities for five months, negotiated a last-minute budget deal behind closed doors and is now passing bills at breakneck speed, just so they can pack up and go home for the summer. While they are busy high-fiving each other for hastily passing bills they haven't even read, the Maine people are left disenfranchised and without true representation.

Maine voters in last November's election clearly endorsed tax and welfare reforms, but this Legislature has denied them their Constitutional right to debate the issues at the ballot box. Mainers deserve to know how their elected officials voted on public policies that could affect the future of our state. Therefore, to ensure each piece of legislation gets the widest possible representation in Augusta, legislators will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call.

For this reason, I return LD 125 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act Extending Workers' Compensation Benefits to Certain Employees of the Office of the State Fire Marshal Who Contract Cancer

S.P. 59 L.D. 125

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

The Following Communication: S.C. 508

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

30 June 2015

The 127th Legislature of the State of Maine State House
Augusta, ME

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 623, "An Act To Expand Maine's Carbon Monoxide Detectors Law."

This bill contains a flaw that would stifle innovation and would put up unnecessary, protectionist barriers in the smoke detector market. The bill would amend Maine's carbon monoxide detector law to mandate that the relevant detectors run on either the electrical service of the building and a battery or "a nonreplaceable 10-year battery." It is here that we glimpse a fatal flaw in the bill.

This bill would have unintended consequences for companies that have produced carbon monoxide and smoke detectors that contain safety features that go above and beyond those offered by basic carbon monoxide and smoke detectors. Those advanced detectors currently run on 5-year batteries. If this bill were to become law, these companies would see their sales decrease and would likely stifle innovation in this sector of the market.

One day the Legislature disenfranchises the Maine people by disallowing them a vote on whether they would like to eliminate the income tax and the next day they pass a bill that would stifle the valiant effort of companies to produce better smoke and carbon monoxide detectors. This is yet another sad account of members of the Legislature seeking to achieve a certain laudable goal by passing legislation that is actually very harmful.

For this reason, I return LD 623 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Expand Maine's Carbon Monoxide Detectors Law
S.P. 216 L.D. 623

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

ORDERS OF THE DAY

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

An Act Extending Workers' Compensation Benefits to Certain Employees of the Office of the State Fire Marshal Who Contract Cancer

S.P. 59 L.D. 125

Tabled - July 16, 2015, by Senator **DIAMOND** of Cumberland

Pending - **CONSIDERATION**

(In Senate, May 19, 2015, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, July 16, 2015, Veto Communication (S.C. 507) **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#423)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

EXCUSED: Senator: VOLK

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, and 34 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

The Following Communication: S.C. 509

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

30 June 2015

The 127th Legislature of the State of Maine State House
Augusta, ME

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine. I am hereby vetoing LD 1230, "An Act To Create a Digital Content Library for Education."

Far too many legislators make solemn-sounding promises to the voters who elect them, then sweep them aside as soon as they step foot into the exclusive, club-like atmosphere of the State House. Their giddy eagerness to get along with colleagues on both sides of the aisle swiftly supersedes their sworn duty to the people who sent them to Augusta.

This Legislature delayed its responsibilities for five months, negotiated a last-minute budget deal behind closed doors and is now passing bills at breakneck speed, just so they can pack up and go home for the summer. While they are busy high-fiving each other for hastily passing bills they haven't even read, the Maine people are left disenfranchised and without true representation.

Maine voters in last November's election clearly endorsed tax and welfare reforms, but this Legislature has denied them their Constitutional right to debate the issues at the ballot box.

Mainers deserve to know how their elected officials voted on public policies that could affect the future of our state. Therefore, to ensure each piece of legislation gets the widest possible representation in Augusta, legislators will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call.

For this reason, I return LD 1230 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Create a Digital Content Library for Education
(EMERGENCY)

S.P. 435 L.D. 1230

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#424)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

EXCUSED: Senator: VOLK

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, and 34 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

The Following Communication: S.C. 510

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

30 June 2015

The 127th Legislature of the State of Maine State House Augusta, ME

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1369, "An Act To Restructure the Permitting Process for Wildlife and Exotic Species in Captivity."

Far too many legislators make solemn-sounding promises to the voters who elect them, then sweep them aside as soon as they step foot into the exclusive, club-like atmosphere of the State House. Their giddy eagerness to get along with colleagues on both sides of the aisle swiftly supersedes their sworn duty to the people who sent them to Augusta.

This Legislature delayed its responsibilities for five months, negotiated a last-minute budget deal behind closed doors and is now passing bills at breakneck speed, just so they can pack up and go home for the summer. While they are busy high-fiving each other for hastily passing bills they haven't even read, the Maine people are left disenfranchised and without true representation.

Maine voters in last November's election clearly endorsed tax and welfare reforms, but this Legislature has denied them their Constitutional right to debate the issues at the ballot box.

Mainers deserve to know how their elected officials voted on public policies that could affect the future of our state. Therefore, to ensure each piece of legislation gets the widest possible representation in Augusta, legislators will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call.

For this reason, I return LD 1369 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Restructure the Permitting Process for Wildlife and Exotic Species in Captivity

S.P. 501 L.D. 1369

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#425)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

EXCUSED: Senator: VOLK

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, and 34 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

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

The Following Communication: S.C. 511

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

30 June 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1378, "An Act To Amend the Laws Governing the Issuance of Bonds and To Effectuate the Issuance of Bonds To Support Maine's Natural Resource-based Economy."

I have constitutional concerns regarding this bill and fear that it will create overall uncertainty in our finely crafted bonding process. As we all know, when uncertainty is introduced to bonding, Maine's taxpayers pay the price through higher borrowing costs.

What LD 1378 proposes is more than simply forcing the Executive to issue a handful of currently authorized but unissued conservation bonds. Rather, this bill is a complete overhaul of Maine's entire bonding process that would apply to "all general obligations bonds" – past and future. This is a major departure from our current bonding process that must be carefully considered, not simply passed in a fit of pique at the Executive.

The most concerning aspects of LD 1378 are its constitutional infirmities: 1) the bill's impermissible exercise of Executive power by the Legislature; 2) the impermissible retroactive alteration of the Executive's role with respect to authorized, voter-approved bonds without seeking the voters' approval for that alteration. In both respects, this bill runs afoul of the Maine Constitution and as such, must fail.

This bill constitutes an impermissible exercise of Executive power by the Legislature in that it attempts to redefine the Executive's authority relative to the issuance of general obligation bonds. Under this proposal, the Executive would be stripped of all discretion related to the issuance of these bonds and, rather, the Governor would be commanded to issue them, regardless of his own assessment of the timing and overall prudence of issuing the bonds in question. Five enumerated exceptions follow this blanket command, with the Treasurer, an agent of the Legislature, determining if three of them apply. The two other exceptions would be fact-specific occurrences outside of the discretion of the Executive to address.

Article III, Sections 1 and 2 of the Constitution of the State of Maine set forth the principle of separation of powers by explaining that the powers of the State are divided into three distinct branches. Moreover, the Constitution provides that "[n]o person or persons, belonging to one of these [branches], shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted." Article V, Part First, Section 1 states that "[t]he supreme executive power of this State shall be vested in a Governor."

While the contours of "the executive power" are sometimes difficult to define, determining the timing and circumstances of the issuance of bonds is clearly an executive function.

Practically, the issuance of bonds – the act of putting the full faith and credit of the State behind a decision to borrow – must be an executive power. How can a bicameral body comprised of 186 separate members be charged with the issuance of bonds, as dictated by this bill that strips all discretion from the Executive via a legislative enactment? Those buying our debt expect the full faith and credit of State to stand behind these general obligation bonds and only the Executive stands in a position to speak for the entire State.

Moreover, there are a number of practical reasons why the issuance of bonds is an Executive function. Issuance involves the timing and terms upon which bonds will be sold. These questions of timing and terms are intended to be resolved in favor of Maine's taxpayers by borrowing money with as little cost as possible. Obviously, the Executive is in the best position to make that assessment, as the Governor has direct access to the financial health of the State through his Commissioner at the Department of Administrative and Financial Services. Further, the Governor is a full-time position with constant access to information and the ability to execute on a decision, unlike Maine's part-time Legislature that is adjourned for months at a time. The Executive is the only logical place where the authority to issue bonds could reside.

In addition to logic, the law also dictates that the power to issue bonds resides with the Executive. Article IX, Sections 14, 14-A, 14-B, 14-C and 14-D of the Constitution of the State of Maine all touch upon borrowing. In each section, the Legislature's power in terms of borrowing is carefully circumscribed and is limited to "authoriz[ing] the issuance of bonds." This is a distinction with an important difference. Authorizing bonds sets forth the parameters of borrowing – the total amount and for what purposes. This is much like the appropriations process, where the Legislature determines appropriations and allocations and the Executive makes decisions regarding the timing of spending. The final decision regarding the issuance of bonds, when they are sold and under what terms, is reserved for the Executive. In fact, as Article IX, Section 14 illustrates, the Executive can exercise a great degree of discretion and may decide not to issue authorized bonds at all, hence the language regarding bond de-authorization.

Throughout our State's law there is a recognition that the decision to borrow, including the timing and the terms, is an Executive function. All bonds in recent memory begin by recognizing that the Legislature's representative, the Treasurer, may issue bonds "under the direction of the Governor." In fact, 33 bond bills currently pending before the Legislature contain that exact language. This is not a recent phenomenon; as far back as 1868 the Legislature approved a bond to help cover municipal civil war debts, which stated "[t]he treasurer of state, *with the advice of the governor*, is hereby authorized to procure on the faith of the state, by issuing the bonds thereof, a loan . . ." P.L. 1868, ch. 225, § 4 (emphasis added). That borrowing in general, not simply issuing general obligation bonds, is an Executive function is also reflected in Maine's statute authorizing bond anticipation notes and tax anticipation notes. See 5 M.R.S.A. § 150. In both borrowing scenarios, the Treasury is authorized to act, "with the approval of the Governor."

The issuance of bonds, and borrowing decisions in general, are part and parcel of the Executive power. This is only logical

and it is reflected throughout Maine's Constitution and statutes. This bill, however, would constitute the Legislature exercising the Executive's discretion by dictating how and when the decision to issue bonds must take place. The doctrine of separation of powers, however, specifies that one branch of government cannot exercise the authority of another branch. This bill, therefore, violates the constitutional mandate of separation of powers.

In addition to the unconstitutional exercise of Executive power, this bill presents a further constitutional problem caused by its retroactive application. Bonds that have already been authorized begin the same way, "[t]he Treasurer of the State is authorized, *under the direction of the Governor*, to issue bonds . . . (emphasis added)." See e.g., P.L. 2011, ch. 696, § 1. LD 1378 seeks to eliminate the Executive's discretion. What supporters of this bill fail to recognize is that currently authorized bonds themselves set forth the Executive's role in the issuance of those same bonds, a role that has received the approval of the voters. This bill seeks to alter that role retroactively via a simple legislative enactment and as such, cannot withstand constitutional scrutiny.

It is a long-held principle that bonds cannot be amended without sending the amendment itself out to the voters. Most recently, the Office of the Attorney General has stated "[t]his office has consistently taken the position that the general rule . . . does not permit the Legislature to amend a statute which could only be enacted by referendum, as in the case of bond issues. *Op. Atty Gen.*, January 22, 1980 (citing *Op. Atty Gen.*, July 18, 1977; *Op. Atty Gen.*, April 7, 1976; and *Opinion of the Justices*, 159 Me. 209 (1963)). This same opinion states that "the constitutional requirement that a particular law be enacted by popular referendum necessarily implies that the same process must be followed if the law is to be amended to accomplish different purposes. Otherwise, the constitutional requirement could be circumvented by the Legislature." *Id.*

Simply put, already authorized bonds were approved by the voters and contain a process for issuance that includes the Executive's exercise of discretion. That issuance process cannot be amended by a simple legislative enactment. The only way to alter a bond that has received the approval of the voters is to send the amendment itself to the voters. This bill does not do that and cannot amend already authorized bonds retroactively. Clearly, this bill does not withstand constitutional scrutiny.

In addition to its constitutional infirmity, this bill, if allowed to go into law, will also certainly succeed in creating legal and market uncertainty for past and future bonds. Bonding is a complex and delicate process. When the Legislature wishes to borrow through a general obligation bond, the Maine constitution prescribes how this must be done by asking the voters via a state-wide ballot if they would authorize the proposed borrowing – this is a process that must be followed scrupulously. But that is not all; federal tax law is overlaid on this entire process so that these bonds may be properly registered in order to enjoy tax-exempt status. In addition to legal considerations, there are the practical considerations of the market – those who actually purchase the State's bonds.

Any departure from the time honored bonding process faces legal uncertainties. Do these bonds, in fact, comply with Maine's constitutional requirements and will they satisfy the federal Internal Revenue Service to ensure tax-exempt status? Perhaps, but we cannot be sure because any departure from our current bonding process creates market uncertainties. Those who purchase our State's debt will have their own financial questions

regarding the soundness of this new process. Market uncertainties only mean one thing, financial risk. Financial risk will be cured in one manner – increasing the cost of borrowing for the people of Maine. Before the State sets off on this new and untested path, we must ask if the attendant legal and financial uncertainties that are sure to follow are worth it. Is the current system that has worked for years in such straits that we simply must make this leap? Of course not.

These legal, constitutional, and market considerations create too many uncertainties for me to let this bill advance. What is proposed would disrupt the finely wrought process for issuing bonds and would imperil the future financial health and bond rating of our State. It was irresponsible for the Legislature to pass a bill with abandon for the long term implications in order to satisfy their short term political objectives. It would be irresponsible of me to ratify that with my signature and so I hereby return LD 1378 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Amend the Laws Governing the Issuance of Bonds and To Effectuate the Issuance of Bonds To Support Maine's Natural Resource-based Economy

S.P. 508 L.D. 1378

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, the question here is simple: will we respect the will of the people or won't we? It's remarkable, the lengths that some will go to to ignore that will. This is exactly what is happening here, as we write another sad chapter in the saga. When we have very real problems to deal with here in the state we find that as Rome is burning we're fiddling over a non-issue that should have been settled long ago. Once the people have spoken at the ballot box no one, including a Governor, ought to have the right to veto that decision. Mr. President, lawyers like to joke that when you have the facts on your side, argue the facts. When you have the law on your side, argue the law. When you have neither, make things up. I respectfully suggest that that's exactly what this veto message does. It makes things up.

Essentially, the Governor, the Chief Executive, has made three arguments. First, the veto suggests that this bill interferes with the Governor's right to authorize bonds under the Constitution. That's simply false. The Constitution gives the Governor, the Chief Executive, no role whatsoever in the bond process. None. Zero. Second, the message argues that passage of this bill will be harmful to the Maine people, that somehow we need to leave the Chief Executive as the final arbiter of when or if bonds issued by the voters should be issued. For those that make this argument I ask two questions. First, what harmful consequences are we talking about? Can anybody suggest one? Second, if it's so important how is it that the great

State of Maine seems to have been able to survive the last 195 years without a Chief Executive ever attempting to interfere in this process as this one has? The third argument that is made is that somehow, if we pass this bill now, that it will have an effect on bonds which we've already passed because we're changing the rules in the game. That has some surface attractiveness to it, but the problem is that the Treasurer has consulted the bond council and has been told, in no uncertain terms, that that's just not the case. This will not put a cloud over any bonds which the voters have already passed.

Mr. President, it seems as though recently we all find ourselves in a bad movie playing roles that we don't want to have to be playing. There's good news because this morning we have the ability to, ourselves, write the end of at least this part of the script and do so in a way that Maine people want and that our constituents want. I hope you will join with me in rejecting and overriding this veto. Thank you, Mr. President.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#416)

YEAS: Senators: ALFOND, BAKER, BREEN, BURNS, COLLINS, CYRWAY, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WOODSOME

NAYS: Senators: BRAKEY, CUSHING, DAVIS, EDGECOMB, HAMPER, ROSEN, WHITEMORE, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU

EXCUSED: Senator: VOLK

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being excused, and 25 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 994

ORDERED, the Senate concurring, that the following specified matters be held over to any special and/or regular session of the 127th Legislature.

Appropriations and Financial Affairs

H.P. 5, L.D. 2 - An Act To Authorize a General Fund Bond Issue for the Purchase and Development of the Bar Harbor Ferry Terminal as a Multimodal Transportation Facility

H.P. 62, L.D. 68 - An Act To Authorize a General Fund Bond Issue To Attract Business by Investing in High-speed Broadband Infrastructure

S.P. 37, L.D. 100 - An Act To Authorize a General Fund Bond Issue To Help Small Businesses

H.P. 80, L.D. 108 - An Act To Authorize a General Fund Bond Issue for Riverfront Community Development

S.P. 68, L.D. 193 - An Act To Authorize a General Fund Bond Issue for Bicycle and Pedestrian Projects

S.P. 86, L.D. 217 - An Act To Authorize a General Fund Bond Issue for Development of a Multimodal Transportation Facility

S.P. 92, L.D. 254 - An Act To Authorize a General Fund Bond Issue To Support Waterfront Development

H.P. 241, L.D. 354 - An Act To Authorize a General Fund Bond Issue To Enhance Public Transportation in the Bangor Area

S.P. 153, L.D. 385 - An Act To Authorize a General Fund Bond Issue for Improvements to Facilities at the University of Maine System Campuses

S.P. 154, L.D. 386 - An Act To Authorize a General Fund Bond Issue To Fund Farmland Restoration

S.P. 155, L.D. 387 - An Act To Authorize a General Fund Bond Issue To Support Agricultural Enterprises and Encourage the Use of Local Farm Products in Public Schools

H.P. 293, L.D. 426 - An Act To Authorize a General Fund Bond Issue To Address Sea Level Rise

S.P. 167, L.D. 438 - An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service

S.P. 182, L.D. 453 - An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation

S.P. 221, L.D. 628 - An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure

H.P. 435, L.D. 654 - An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General

S.P. 263, L.D. 733 - An Act To Authorize a General Fund Bond Issue To Build the Infrastructure Needed To End Hunger in Central and Northern Maine

H.P. 500, L.D. 747 - An Act To Authorize a General Fund Bond Issue To Assist in the Creation and Retention of Jobs and Improve Access to Higher Education in Maine

H.P. 533, L.D. 784 - An Act To Authorize a Revenue Bond for a Student Loan Reduction Plan

H.P. 592, L.D. 873 - An Act To Authorize a General Fund Bond Issue for Housing for Homeless Veterans

H.P. 594, L.D. 875 - An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges, Ports, Railroads and Other Multimodal Facilities

H.P. 643, L.D. 924 - An Act To Authorize a General Fund Bond Issue To Enhance State Parks

S.P. 322, L.D. 931 - An Act To Authorize a General Fund Bond Issue for Research and Development for the University of Maine System

H.P. 691, L.D. 996 - An Act To Authorize a General Fund Bond Issue for Food Processing Infrastructure in Rural Areas of the State

H.P. 693, L.D. 998 - An Act To Authorize a General Fund Bond Issue To Collect Data on and To Monitor Ocean Acidification

H.P. 701, L.D. 1018 - An Act To Make Certain Necessary Appropriations and Allocations

H.P. 722, L.D. 1053 - An Act To Authorize a General Fund Bond Issue To Stimulate Investment in Innovation by Maine Businesses To Produce Nationally and Globally Competitive Products and Services

H.P. 738, L.D. 1069 - An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings

S.P. 439, L.D. 1234 - An Act To Authorize a General Fund Bond Issue To Acquire the Frances Perkins Homestead

H.P. 848, L.D. 1248 - An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Fund

S.P. 483, L.D. 1334 - An Act To Authorize a General Fund Bond Issue To Repair and Renovate the Former Cutler Naval Base in Washington County To Facilitate Development and Stimulate the Economy

H.P. 908, L.D. 1336 - An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges

S.P. 487, L.D. 1341 - An Act To Authorize a General Fund Bond Issue To Improve Maine's Housing Stock and Reduce Heating Costs and Oil Consumption

Veterans and Legal Affairs

H.P. 876, L.D. 1280 - An Act To Provide Income Tax Relief by Expanding Gaming Opportunities

Comes from the House, **READ** and **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-504)**.

READ.

House Amendment "A" (H-504) **READ** and **ADOPTED**, in concurrence.

PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-504), in concurrence.

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

SENATE PAPERS

Bill "An Act To Make a Technical Correction to a Recently Enacted Law Regarding the Appointment of District Court Judges" (EMERGENCY)

S.P. 557 L.D. 1455

Presented by Senator BURNS of Washington.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **JUDICIARY** suggested and ordered printed.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Ordered sent down forthwith for concurrence.

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (6/30/15) matter:

An Act To Upgrade the Concealed Handgun Permit Law
H.P. 557 L.D. 823
(H "A" H-385 to C "A" H-309)

Tabled - June 30, 2015, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, June 24, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-309) AS AMENDED BY HOUSE AMENDMENT "A" (H-385)** thereto, in concurrence.)

(In House, June 24, 2015, **PASSED TO BE ENACTED**.)

On motion by Senator **ROSEN** of Hancock, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act To Expand Maine's Carbon Monoxide Detectors Law
S.P. 216 L.D. 623

Tabled - July 16, 2015, by Senator **DIAMOND** of Cumberland

Pending - **CONSIDERATION**

(In Senate, June 18, 2015, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, July 16, 2015, Veto Communication (S.C. 508) **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Chair noted the absence of the Senator from Hancock, Senator **LANGLEY**, the Senator from Aroostook, Senator **WILLETTE**, and the Senator from Penobscot, Senator **DILL**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#427)

YEAS: Senators: ALFOND, BAKER, BREEN, COLLINS, CUSHING, CYRWAY, DIAMOND, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, WHITEMORE, WOODSOME

NAYS: Senators: BRAKEY, BURNS, DAVIS, EDGECOMB, HAMPER, THE PRESIDENT - MICHAEL D. THIBODEAU

EXCUSED: Senators: DILL, LANGLEY, VOLK, WILLETTE

25 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 4 Senators being excused, and 25 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

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

ENACTORS

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

Emergency Measure

An Act To Make a Technical Correction to a Recently Enacted Law Regarding the Appointment of District Court Judges
S.P. 557 L.D. 1455

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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.

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

ENACTORS

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

Act

An Act To Establish a Fund for the Operations and Outreach Activities of the University of Maine Cooperative Extension Animal and Plant Disease and Insect Control Laboratory
H.P. 759 L.D. 1099
(C "A" H-458)

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Senator **EDGECOMB** of Aroostook moved the Senate **RECEDE** and **CONCUR**.

Senate at Ease.

Senate called to order by the President.

Senator **EDGECOMB** of Aroostook requested and received leave of the Senate to withdraw his motion to **RECEDE** and **CONCUR**.

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Fund Agreements with Bargaining Units for Certain Executive Branch Employees and Ensure Equitable Treatment for Other Executive Branch Employees"
(EMERGENCY)

H.P. 995 L.D. 1453

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Ordered sent down forthwith.

Resolve, Reauthorizing the Balance of the 2009 Bond Issue for Land Conservation Projects

H.P. 996 L.D. 1454

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-505)**, without reference to a Committee.

READ ONCE.

House Amendment "A" (H-505) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-505)**, without reference to a Committee, in concurrence.

Ordered sent down forthwith.

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

COMMUNICATIONS

The Following Communication: H.C. 346

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

July 16, 2015

The Honorable Heather J.R. Priest
Secretary of the Senate
127th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

Senate Paper 508, Legislative Document 1378, "An Act To Amend the Laws Governing the Issuance of Bonds and To Effectuate the Issuance of Bonds To Support Maine's Natural Resource-based Economy," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

91 voted in favor and 52 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 998

ORDERED, the Senate concurring, that the following specified matters be held over to any special and/or regular session of the 127th Legislature.

Agriculture, Conservation and Forestry

H.P. 759, L.D. 1099 - An Act To Establish a Fund for the Operations and Outreach Activities of the University of Maine Cooperative Extension Animal and Plant Disease and Insect Control Laboratory

Criminal Justice and Public Safety

H.P. 557, L.D. 823 - An Act To Upgrade the Concealed Handgun Permit Law

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

READ and **PASSED**, in concurrence.

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

ORDERS

On motion by Senator **MASON** of Androscoggin, the following Senate Order:

S.O. 24

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 Androscoggin, Senator **MASON** 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 Androscoggin, Senator **MASON** reported that he had delivered the message with which he was charged.

On motion by Senator **CUSHING** of Penobscot, the following Senate Order:

S.O. 25

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 Penobscot, Senator **CUSHING** to deliver the message to the Governor. The Senator was escorted to the House of Representatives.

Senate at Ease.

Senate called to order by the President.

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

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 Fund Agreements with Bargaining Units for Certain Executive Branch Employees and Ensure Equitable Treatment for Other Executive Branch Employees

H.P. 995 L.D. 1453

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

Resolve

Resolve, Directing the Governor and the Land for Maine's Future Board To Fulfill the Will of Maine Voters and Issue Bonds Approved in 2010

H.P. 996 L.D. 1454
(H "A" H-505)

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

ORDERS OF THE DAY

Senator **JOHNSON** of Lincoln moved the Senate remove from the **TABLE** the following:

HOUSE REPORTS - from the Committee on **JUDICIARY** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit the Denial of Equal Rights Based on the Sex of an Individual

H.P. 408 L.D. 584

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-284)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - June 8, 2015, by Senator **BURNS** of Washington

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 5, 2015, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-284).**)

(In Senate, June 8, 2015, Reports **READ.**)

On motion by Senator **MASON** of Androscoggin, 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 Lincoln, Senator Johnson.

Senator **JOHNSON**: Thank you, Mr. President. Ladies and all you other people of the Senate,

THE PRESIDENT: A motion to remove something from the Table is not a debatable motion.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Johnson to Remove from the Table. 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 (#428)

YEAS: Senators: ALFOND, BREEN, DIAMOND, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

NAYS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, MASON, MCCORMICK, ROSEN, SAVIELLO, WHITTEMORE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

EXCUSED: Senators: DILL, LANGLEY, VOLK, WILLETTE

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **JOHNSON** of Lincoln to remove from the **TABLE FAILED**.

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

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

Senator **ALFOND**: Thank you, Mr. President. I'm going to start my comments by saying that this first session of the 127th is going to be one, and will be remembered as one, for the record books. I believe this first session of the 127th will be studied, analyzed, and looked at in so many different ways, from so many different angles. Every pundit will tell us what we did right, what we did wrong. It's already starting to happen. What I will remember most is how this Senate Body came together. It came together and worked together and, through it all, remained incredibly calm. This place is built on an unbelievable institution, an institution that we all are following in the place of so many of other great, great Mainers that have sat in these seats. We had a couple of choices. We could have taken the bait and taken this Body into a place that, quite frankly, I'm thankful we didn't. We decided to work together. We decided to work harder, work smarter, and to

remain calm. In no more of a way was that shown as than through the budget. The budget was a big, bold budget, a budget that many of us remained incredibly silent on for many, many months. When the silence was broken, we worked together. Senator Valentino, Senator Hamper, Senator Katz, the leaders of this Body on that budget work, did incredible work and I thank them all for doing an outstanding job, listening to Mainers, listening to us, listening to the pundits, listening to why we should do this and why we shouldn't do that. They just kept us on a great path and put forward a great budget.

The Republican leadership, I personally want to thank. You all treated myself, Senator Hill, and our entire caucus with incredible respect. You led the Chamber well and, again, harking back to my original comments, we could have taken the bait and decided to duke it out every day in this Chamber but instead we decided to work together. To my fellow Democrats, I can't thank you enough for the honor to be your leader, to serve you, to work with you, to spend every day with you for the past six months. It's an incredible group of people here. Diverse. I think Senator Diamond did it best with some of his awards. I thought some of the Democratic awards were the funniest because we have a funny bunch. We have a very interesting bunch of folks. Very vocal. Very interested in good public policy. That played out every single day. Senator Hill, I want to thank you for your incredible leadership, your faith in me, and working together. I knew you had my back every single day. It's a really important thing to know every day when you walk into this place that you have a leader that is supporting you, working with you, and believes in the things you are working on. Thank you.

Finally, I want to thank the staff, the staff in this Body. You all make this place shine every single day. I want to thank the Democratic staff. It is remarkable how much a group of six people can do to make 15 people look so good. You all do it proudly. No matter how small, large, complicated, intricate the request was, you took it and you made it shine and you made us shine. Thank you to the Democratic staff.

Finally, I just want to, again, applaud this entire Senate Body and you, Mr. President. Again, this was a very hard, challenging session and you, and we, did a great job together. Thank you.

Senator **MASON** of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator **MASON**: Thank you, Mr. President. Men and women of the Senate, this is that time of year when we will all be excited that we are going home, hopefully. You know, this year has been really a session of questions. It's been: are we going to get a budget passed? It's been: will we get out of here on time? It was: are we going to get through all of the heavy, heavy burdens of all the bills that we have for this session? Probably the question that was asked to me the most over the course of this session is: where is Senator Cushing? I have to say that was asked a lot.

The 127th Legislature, as Senator Alfond said, will definitely be studied. We broke precedence. We questioned tradition. We inevitably got the job done. I'm very proud of this Body. I think this is the first time in a long time that we can seriously sit here and say that this Legislature worked beyond partisan divides and did the right thing for the people of Maine, no matter what the cost was politically or what the cost was in this Body.

When I first came to the Legislature in the 125th there were people who taught me the importance of this Body and why we do what we do and why we are Senators and what this Body means. Some of those people are sitting right over there. Senator Haskell, Senator Gerzofsky, former Senator Deb Plowman. All know tradition and understand why what we do in this Body is important. I want to thank all of you here for teaching me those lessons and also imparting them to not only our respective caucuses but to everybody, and to the people of the state of Maine, why this Body's important. This Body has worked exactly as it was meant to work and exactly as it was designed to work by the founders, not only of our country but the founders of this state. We ought to be very proud of that.

This session went as well as it did, I think, in large part because of the Democratic leadership. Senator Alford and Senator Hill, I want to thank you for being such great partners. I can't think of two better people to work with across the aisle. We did amazing work together and I think that we did show people that Democrats and Republicans really can get the job done when we need to. I want to thank you for that. I will tell the Body and members of the media and the public, Mr. President, that I have this session also had a first in that there was a custody agreement for one member. That was Senator Gerzofsky. The Democrat leadership and myself had a joint custody agreement with Senator Gerzofsky, so whenever there was a problem we shoved him off to which one needed to take care of it. I love you, Stan.

I'd also like to take a moment to thank the Republican staff. Rebekah Lynch, Ben Trundy, Becky Morris, Anna Haggerty, Megan Russo, Jamie Carter, Riley Ploch, and my Chief of Staff Diane Johanson. Thank you all very much for the work that you do. The work that you do is not always easy with all the phone calls and everything that you have to deal with on a daily basis but, from the Republican caucus, thank you from the bottom of heart. From the President's Office, Dorothy Havey, Ashley Sampson, Melissa Simones, Meredith Cherry, Jim Cyr, Rob Caverly. Thank you, guys, for all the work that you do for the President. It is very much appreciated and I thank you for all the time that you put in here and the comp hours that you've earned because we couldn't do it without any of you. To the Republican caucus, thank you all very much for the trust that you have placed in not only me but in Senator Cushing and the President. You're support means the world to us and I want to thank you for the honor of being your leader this session. It's truly been a distinct privilege. Thank you all for that. To Heather Priest and the Secretary's Office, you guys are amazing. Thank you for all the work that you do. You know, members of the Legislature, both in the other Body and in here, complain about which Body is not doing their work. Being in leadership this year, I definitely learned that there's a lot of paperwork that goes on behind the scenes here and their work is incredibly important. It sets precedent and it sets a paper trail to all the things that we argue about on a daily basis and why we can do the things that we do and the motions that we make. Thank you all for keeping us in line and thank you for doing the hard work that is record keeping.

I want to thank the fellow members of my leadership team as well. Senator Cushing, we joke but I know that you're always off doing something of importance for not only me but for the President. I want to thank you for everything that you've done this session and the things that you'll deal with but nobody else will. A lot of those things go unnoticed, so thank you for everything that you've done.

Finally, and certainly not least, Mr. President, I want to thank you. You've become not only a very good friend but an admired leader, from my perspective. When Senator Diamond said that you deserve the Right Man At The Right Time Award I complete agree. There is not one person that could have led us through what we had to go through this session other than you. I want to thank you for your tenacity and I want to thank you for your leadership and I want to thank you for your foresight. You've done an incredible job leading this Chamber and you ought to be commended for it. On a final note, I want to wish you a very happy birthday.

Thank you very much, ladies and gentlemen of the Senate and Mr. President. It's been an honor and I look very much forward to the next session. Thank you.

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

Off Record Remarks

On motion by Senator **EDGEComb** of Aroostook, the Honorable **MICHAEL D. THIBODEAU**, President of the Senate, declared the First Regular Session of the 127th Legislature, **ADJOURNED SINE DIE** at 6:04 p.m., in memory of and lasting tribute to the Honorable William F. Noon of Sanford.