

# MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

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Second Regular Session  
beginning January 6, 2016

beginning at Page 1434

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

In Senate Chamber  
Friday  
April 29, 2016

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

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Prayer by President Michael D. Thibodeau of Waldo County.

**PRESIDENT THIBODEAU:** Would everybody please join me in prayer. Lord, we come before You this morning remembering that it was only 16 short months ago that this group gathered to do the work of the Maine people. Lord, we ask for Your wisdom, Your blessing upon this group. We ask for Your wisdom as we contemplate what good public policy would be on behalf of the people of the state of Maine. Lord, this morning we pause to thank You for Your help, Your wisdom, as we struggle with some very tough issues. Lord, we thank You that You brought together this group that worked incredibly hard, sought Your wisdom, and Your blessing upon us. Lord, we pray that the work that was done here truly was good work and that the people that each one of us represents are better for it. Lord, I pray for the folks that are not coming back to join us next year, I pray that You will continue to bless their lives with health and family. Lord, I pray that they'll find plenty to do that is meaningful. Lord, I pray for the folks that do intend to come back, that they'll have a restful summer, they'll return with a new vigor, a vigor to do what's right on behalf of their constituents and the people of the state of Maine. I pray all this in Christ's name. Amen.

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Pledge of Allegiance led by Senator Peter E. Edgecomb of  
Aroostook County.

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Reading of the Journal of Friday, April 15, 2016.

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Off Record Remarks

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**COMMUNICATIONS**

The Following Communication: S.C. 1001

STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR

**Presentment Statement**

**LD 1643, An Act to Correct Errors and Inconsistencies in the  
Laws of Maine**

April 22, 2016

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

Dear Honorable Members of the 127th Legislature:

I have returned LD 1643, "An Act to Correct Errors and Inconsistencies in the Laws of Maine," unsigned and with the intention that it become law without my signature. This bill may result in some helpful corrections of Maine's laws. I am, however, concerned that the language of this bill directing various agencies to notify the Legislature of certain contingencies is inconsistent with Maine's constitution.

Sections C-1, C-2, C-3, C-5, C-6, C-7 and C-8 all purport to require Executive Branch or independent agencies to report to the Secretary of State and other arms of the Legislature when certain contingencies have occurred, in order to trigger the effectiveness or repeal of various statutes. These sections, however, are inconsistent with the Governor's constitutional authority to direct Executive Branch employees as contemplated by Article V, Part First, Section 1 and the Governor's authority to recommend for consideration such measures as the Governor may judge expedient pursuant to Article V, Part First, Section 9.

To the extent that this bill purports to direct these agencies to report to various arms of the Legislature, the Executive Branch shall construe this language in a manner consistent with the Governor's constitutional authority.

Sincerely,

S/Paul R. LePage  
Governor

**READ.**

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to briefly respond to this communication, to note that while it says that it is inconsistent with Maine's Constitution for the Legislature to have directed various agencies to notify the Legislature of certain contingencies, that is, in fact, part and parcel of what the Legislature does in enacting laws in ways that they can be effectively implemented and we are all bound by them, including State agencies. This does not, in any way, interfere with the Governor's responsibility for directing staff of those agencies in internal functions to accomplish these necessities of statute. I just wanted that to be on the record, Mr. President. Thank you for your time.

**ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 1002

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

**Presentment Statement  
LD 1671, Resolve, Compensating Susan Cloutier for Claims  
against the State**

April 27, 2016

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

Dear Honorable Members of the 127th Legislature:

I have returned LD 1671, "Resolve, Compensating Susan Cloutier for Claims against the State," unsigned and with the intention that it become law without my signature. I support the goal of this bill and will provide Susan Cloutier and her family with additional compensation for the loss of her husband and son as the result of an automobile accident with a State employee.

I am, however, concerned that the language of this resolve directing the Governor to make this payment is inconsistent with the principles of separation of powers found in Article III, Sections 1 and 2. No branch of State government may exercise any of the powers properly belonging to the others. This principle has been upheld in *Kelly v. Curtis*, 287 A.2d 426, 429 (Me. 1972) (affirming "[t]he Governor's immunity from judicial coercion by court order in the performance of his official duties, ministerial or discretionary").

To the extent that this Resolve purports to direct the Governor to make payment, the Executive Branch shall construe this language as advisory. To be clear, I intend to voluntarily make this payment, not because the Legislature has purported to direct as much.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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

**ORDERS**

**Joint Order**

Expression of Legislative Sentiment recognizing:

Timothy O'Brien, of Gorham, a member of Boy Scout Troop No. 817, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Boy Scouting and is given for excellence in skills development, leadership, personal growth and community service. For his Eagle Scout project, Timothy led and completed several improvements to the athletic field at Narragansett School. We extend our congratulations to Timothy on this achievement;

SLS 1184

Sponsored by Senator VOLK of Cumberland.  
Cosponsored by Representatives: McLEAN of Gorham,  
SANBORN of Gorham.

**READ.**

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's always remarkable to me when a young man achieves the status of Eagle Scout and particularly when you find out that not only is this a busy young man who participates in athletic activities, baseball and football in particular, but also a young man who's only even been involved in Boy Scouts for seven years. That's really a remarkable achievement. Most of the people, that I've known anyway, that achieved the level of Eagle Scout did it when they were in their later high school years, even as seniors often. This young man, Tim O'Brien, selected a project that was very meaningful to him, improving the athletic area in Gorham at Narragansett School, where he plays youth football. His project was to refurbish the field goal posts, player benches, and install a 25 foot flagpole before his final football game in Gorham. Not only did he succeed in doing this, which took him over 200 hours of community service and he had to raise \$1,500, but he also managed to have his team win the 2015 Southern Maine Mountain Championship in football for the 8<sup>th</sup> grade. When his Scout Master was asked to comment he said, "What is most remarkable about Tim is that he's remained so involved in Scouts while balancing a passion for both football and baseball, which is very challenging." I echoed that before. Tim responded to the same question, "It's an amazing accomplishment to reach the high honor of Eagle Scout. Thanks to my leaders for teaching and instilling the Scout law and oath into my everyday life. I owe a big thanks to my parents, Scout Leaders, and troop for their support, and to the local businesses that donated towards my project, and to my football teammates for all their hard work." Tim will be a freshman at Cheverus next year and he currently hopes to attend Notre Dame University for criminal justice. I have no doubt that this is a young man that we will be hearing more about, perhaps even in these very halls, and I just really sincerely wish to offer him my congratulations.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber Tim and Stacy O'Brien and their son, Timothy O'Brien. Would they please stand and accept the greetings of the Senate.

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Off Record Remarks

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The Following Communication: S.C. 989

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

April 20, 2016

The 127<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 127<sup>th</sup> 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 1398, "An Act to Reduce Electric Rates for Maine Businesses."

Americans have grown skeptical of cap-and-trade programs. Their skepticism is rooted in concern that instead of reducing pollution, the program is used to tax ratepayers and grow government programs. Regrettably, LD 1398 continues the liberal cap and tax march.

When the Regional Greenhouse Gas Initiative was originally enacted in 2009, businesses objected that the bill would lead to higher electric rates. As a result, the Legislature included a provision that if the fee on carbon increased to above \$5 per ton, the additional funding would be returned to ratepayers. Carbon prices have been sold consistently above \$5 per ton since 2014, so have businesses received any relief from higher electric bills? Of course not – the Legislature voted to remove this spending ceiling in 2013. Efficiency Maine Trust, the organization with little legislative or administrative oversight, spends the additional money.

I introduced LD 1398 to restore relief for ratepayers and return \$30 million back to ratepayers. Now, the bill arrives on my desk changed beyond recognition. The bill is complex, confusing, and worst of all does virtually nothing to reduce the costs of carbon fees. It suffers the same fate that afflicts most energy bills in Maine. Environmental groups try to spend more money and lobbyists carve out provisions for the biggest businesses. A compromise is made between these interests and the bill sails through the Legislature. All the while, fees on electric bills grow. The American people are rightfully skeptical of cap and tax programs.

For these reasons, I return LD 1398 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 Reduce Electric Rates for Maine Businesses  
S.P. 519 L.D. 1398

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 (#700)**

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

NAYS: Senators: EDGECOMB, MCCORMICK

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, and 33 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.

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The Following Communication: S.C. 990

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

April 20, 2016

The 127<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 127<sup>th</sup> 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 1468, "Resolve, To Improve the Safety of Ferries in the State."

This bill would require the Maine State Ferry Service to install lockboxes aboard vessels for the purpose of carrying medical diagnostic samples. It also requires a peer assessment review of the ferry service be completed, customer service relations be modernized, and standardized training programs be developed. The Department of Transportation is then instructed to report back to the Transportation Committee with its findings.

Maine DOT is focused on providing its customers the best service possible. When the Legislature puts additional and, in this case, unnecessary mandates upon the Department, it hinders its ability to focus on that core mission. No one has suggested that the Maine Ferry Service operates unsafely. Studying an issue that is not an issue won't make it any safer.

The Administration worked in good faith with the bill's sponsor to try to accomplish many of the goals in the underlying bill. An agreement was at hand, but proponents of the bill walked away from the agreement at the eleventh hour. When good faith efforts to solve problems are unmatched, it creates a difficult working relationship in the future.

There is no need for the Legislature to pass a resolve to tell a department in the Executive Branch how to do its job, especially when that Department has already indicated it intends to perform substantially similar work.

For these reasons, I return LD 1468 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Resolve:

Resolve, To Improve the Safety of Ferries in the State  
S.P. 566 L.D. 1468

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 Resolve. 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 (#701)**

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

**NAYS:** Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 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 Resolve 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. 991

## **STATE OF MAINE 127<sup>TH</sup> LEGISLATURE OFFICE OF THE GOVERNOR**

April 20, 2016

The 127<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 127<sup>th</sup> 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 1540 "An Act To Protect All Students in Elementary or Secondary Schools from Sexual Assault by School Officials."

Protecting children from sexual abuse is one of the most important goals of the criminal justice system. However, it needs to be stated that this bill does not advance that goal because it does not affect children. It is already a felony for school officials with instructional, supervisory or disciplinary authority over students to have sexual relations with those students who are below the age of 18. This bill would make it a felony for those school officials to have consensual sexual relations with high school students who have attained the age of majority. It would do this without regard to the nature of the relationship between the teacher and student. Because of this one size fits all approach, the provisions of this bill could lead to unintended, harmful results.

In Maine, people may get married at age 18 without parental consent. If a 22 year old marries an 18 year old who is enrolled as a junior in high school and then becomes a teacher at that same high school, this bill would make it a felony for that teacher to live as husband and wife with their spouse. If, the couple were to have a child, the provisions of Section 4 of this bill would affect the parental rights of the teacher by treating the teacher as if they had been convicted of gross sexual assault.

For these reasons, I return LD 1540 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 Protect All Students in Elementary or Secondary  
Schools from Sexual Assault by School Officials  
S.P. 601 L.D. 1540

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 (#702)**

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

NAYS: Senator: ROSEN

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, 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.

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The Following Communication: S.C. 992

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

April 20, 2016

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

Dear Honorable Members of the 127<sup>th</sup> 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 1686, "An Act to Amend the Finance Authority of Maine Act."

While this bill may seem to be a clarification of provisions pertaining to the financing of energy projects, it feeds and supports a much larger issue that is hampering Maine's economy – the high cost of energy.

The high cost of energy is a massive burden on the Maine ratepayers and is a primary reason why businesses are shutting down. Mainers already pay enough for energy and instead of clarifying what projects the State supports with taxpayer dollars, we should be focusing on the projects that will actually lower the cost of energy, expand our economy, and lower the costs for the ratepayer. We do not need to provide financing to energy initiatives that harm our citizens.

For this reason, I return LD 1686 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 Finance Authority of Maine Act  
S.P. 694 L.D. 1686

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 (#703)**

YEAS: Senators: ALFOND, BAKER, BREEN, COLLINS, CUSHING, CYRWAY, DESCHAMBAULT, DIAMOND, DILL, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BRAKEY, BURNS, DAVIS, EDGEComb, MCCORMICK, WHITEMORE, WILLETTE

28 Senators having voted in the affirmative and 7 Senators having voted in the negative, and 28 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.

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The Following Communication: S.C. 993

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

April 22, 2016

The 127<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 127<sup>th</sup> 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 1614 "Resolve, To Provide Funding for the County Jail Operations Fund."

If the counties are responsible for operating the jails, then the counties should also be responsible for paying the costs of the jails. Currently, county funding for operation of the jails is capped. If counties spend above the cap, which they invariably do, then the State is asked to provide supplemental funding to cover the difference. For too long, state taxpayers have had to pick up the tab for the cost of the county jails because, due to the cap, there is no incentive for counties to rein in jail spending. In order to avoid my veto, a bill providing supplemental funding to the jails must also contain a provision doing away with the cap on county funding for jails. This bill does not contain such a provision.

For this reason, I return LD 1614 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Resolve:

Resolve, To Provide Funding for the County Jail Operations Fund (EMERGENCY)

S.P. 652 L.D. 1614

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 Resolve. 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 (#704)**

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

NAYS: Senators: GERZOFISKY, HASKELL

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, and 33 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 Resolve become law notwithstanding the objections of the Governor.

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

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The Following Communication: S.C. 994

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

April 22, 2016

The 127<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 127<sup>th</sup> 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 1617, "An Act Regarding the Long-Term Care Ombudsman Program."

This bill puts an additional \$150,000 per year into the budget baseline to hire two new positions to help the Long-Term Care Ombudsman find placement for difficult to place patients. While I support the work of the Long-Term Care Ombudsman, it is not necessary in a government of this size, which already has many employees and unfilled positions, to appropriate additional spending to hire two people.

For these reasons, I return LD 1617 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 Regarding the Long-term Care Ombudsman Program  
S.P. 655 L.D. 1617

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 (#705)**

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

NAYS: Senator: BRAKEY

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, 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. 995

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

April 22, 2016

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

Dear Honorable Members of the 127<sup>th</sup> 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 1692, "An Act to Amend and Clarify the Laws Governing the Brunswick Naval Air Station Job Increment Financing Fund."

Apparently lawmakers in Augusta know better how to spend our precious education resources than the experts at Southern Maine Community College's (SMCC) Midcoast campus in Brunswick. LD 1692 puts unnecessary restrictions on SMCC, which would hurt its ability to be as responsive as possible to the needs of Maine students and their preparation for the good-paying careers at Brunswick Landing. This is a perfect example of government overreach for no good reason.

This bill mandates SMCC to use its share of the existing Brunswick Naval Air Station Job Increment Financing Fund for educational programs supporting "targeted business sectors" only. So what happens when Brunswick Landing secures a business not included in the definition? In order for the college to adapt its programs to meet the needs of students and the available careers, SMCC would first have to turn to the Legislature for approval before implementing the new training programs.

LD 1692 limits our ability to adequately train our future workforce in a timely manner, making Maine even less competitive for future private investment. This bill also adds another annual reporting requirement for the Midcoast Regional Redevelopment Authority (MRRA). State statute already requires MRRA to submit an annual report to the Legislature.

For this reason, I return LD 1692 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 and Clarify the Laws Governing the Brunswick Naval Air Station Job Increment Financing Fund  
S.P. 698 L.D. 1692

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 (#706)**

YEAS: Senators: ALFOND, BAKER, BREEN, BURNS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, WOODSOME

NAYS: Senators: BRAKEY, COLLINS, EDGEComb, HAMPER, LANGLEY, ROSEN, WHITEMORE, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, and 26 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.

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The Following Communication: S.C. 996

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

April 25, 2016

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 867, "An Act To Provide Tax Fairness and To Lower Medical Expenses for Patients under the Maine Medical Use of Marijuana Act."

Recent events make it more likely we will face a statewide referendum on the ballot in November to introduce a legal framework in Maine to tax and regulate marijuana. This bill seeks to make a significant change to tax policy for medical marijuana

dispensaries. I believe the policy implications of this bill would best be evaluated after the vote in November.

Further, the tax relief sought in this bill is necessary since federal tax law denies dispensaries the ability to deduct business expenses because marijuana remains a federally controlled substance. Since the beginning of my Administration, we have sought to move toward conformity with federal tax deductions and to simplify Maine's tax code. Earlier this year, we worked together to pass critical legislation conforming to federal tax deductions for businesses. This bill would introduce a new exception, decoupling from the federal code, which is inconsistent with the direction we have been moving.

For these reasons, I return this bill to you unsigned and vetoed. I urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Provide Tax Fairness and To Lower Medical Expenses for Patients under the Maine Medical Use of Marijuana Act  
S.P. 312 L.D. 867

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 (#707)**

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, WILLETTE

NAYS: Senators: BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, MCCORMICK, ROSEN, WHITEMORE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, and 23 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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The Following Communication: S.C. 997

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

April 27, 2016

The 127<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 127<sup>th</sup> 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 690, "An Act To Ensure the Safety of Home Birth."

I understand and appreciate the goals of this bill's proponents, and I believe their intentions to be good. I see this bill, however, as an unnecessary expansion of government. It would require the licensing and regulation of a new profession—home birth midwives—under the Board of Complementary Health Care Providers.

Only about 28 midwives would be licensed under this new law—not enough to justify the creation of a new regulatory regime. There are private midwife associations that offer membership, which can serve the purpose of setting standards within the profession. State licensing always opens the door to economic protectionism and over-regulation. These are some of the reasons why so many midwives have called my office urging me to veto this bill.

I am also concerned to see that, despite an original fiscal note estimating an approximately \$130,000 cost in the first three years, this bill has been passed without an appropriation to fund the implementation and management of this new licensing requirement at the Department of Professional and Financial Regulation. As you know, I oppose any new General Fund spending at this time, and I have always opposed unfunded mandates on the Executive Branch.

For these reasons, I return LD 690 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 Ensure the Safety of Home Birth  
S.P. 248 L.D. 690

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 (#708)**

YEAS: Senators: ALFOND, BAKER, BREEN, BURNS, CUSHING, CYRWAY, DESCHAMBAULT, DIAMOND, DILL, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BRAKEY, COLLINS, DAVIS, EDGECOMB, MCCORMICK, WHITEMORE, WILLETTE

28 Senators having voted in the affirmative and 7 Senators having voted in the negative, and 28 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.

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The Following Communication: S.C. 998

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

27 April 2016

The 127<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 127<sup>th</sup> 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 1645, "An Act To Address Employee Recruitment and Retention Issues at State Mental Health Institutions."

This bill would increase wages for select personnel at state mental health institutions. Salaries are but one variable in many that determine a hospital's ability to recruit and retain staff. A salary survey conducted prior to this bill's introduction compared Riverview Psychiatric Center's compensation with that of private hospitals. The survey shows many of the proposed raises under this bill are either unnecessary or are too high. Riverview has

been able to fill all of its Mental Health Worker positions, for example, without pay as an identified barrier and Licensed Practical Nurses at Riverview are paid the same as those in private hospitals.

The easiest thing the Legislature can do to help Riverview is to stop subjecting it to a constant barrage of hearings, reports, and studies. As a recent Court Master review stated, one of the greatest barriers to recruitment at Riverview is the negative publicity it constantly receives in the media—publicity usually generated by legislative hearings and press releases. A \$2 or \$4 per hour raise is not going to make up for that kind of negative attention.

Another thing the Legislature can do is to listen to the people who manage Riverview. Riverview officials said they need the ability to transfer the most violent patients from the criminal justice system to the mental health unit at the Maine State Prison to ensure staff safety and patient care. Not only did the Legislature refuse to pass that measure, but Democrats amended the bill to actually *restrict* where we can send violent forensic patients.

Last year, Riverview proposed a separate facility to house forensic patients who do not require a hospital level of care—a proposal critical to recertification of the hospital—and even identified a funding source. Not only did the Legislature refuse to approve the proposal, but it took that funding source and spent it on something else. Now, the Legislature wants to spend \$1 million annually on something Riverview doesn't want or need. When will it end? For these reasons, I return LD 1645 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 Address Employee Recruitment and Retention Issues  
at State Mental Health Institutions (EMERGENCY)  
S.P. 670 L.D. 1645

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 (#709)

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

NAYS: Senator: BRAKEY

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, 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. 999

## STATE OF MAINE 127<sup>TH</sup> LEGISLATURE OFFICE OF THE GOVERNOR

April 27, 2016

The 127<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 127<sup>th</sup> 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 1472, "Resolve, To Enhance the Administration of the Child and Adult Care Food Program by Creating Clear Guidelines for Organizations and Streamlining the Application Process."

As the Office of Child and Family Services (OCFS) made clear in its testimony to the Health and Human Services Committee, OCFS is already undergoing the work called for under this bill, having initiated that effort back in September 2015. OCFS is in the process of completing a full systems improvement analysis which they anticipate will be completed in the fall of this year. The analysis, will include the necessary steps to move forward with making fillable forms available online.

Also, as I have said, I do not support additional appropriations from the General Fund at this time. This bill appropriates \$79,800 from the General Fund, which OCFS does not need to complete work it is already doing.

For these reasons, I return LD 1472 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE**

The accompanying Resolve:

Resolve, To Enhance the Administration of the Child and Adult  
Care Food Program by Creating Clear Guidelines for  
Organizations and Streamlining the Application Process  
S.P. 570 L.D. 1472

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 Resolve. 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 (#710)**

YEAS: Senators: ALFOND, BAKER, BREEN, COLLINS,  
CUSHING, CYRWAY, DESCHAMBAULT,  
DIAMOND, DILL, GERZOFKY,  
HASKELL, HILL, JOHNSON, KATZ,  
LANGLEY, LIBBY, MILLETT, MIRAMANT,  
PATRICK, ROSEN, SAVIELLO,  
VALENTINO, VOLK

NAYS: Senators: BRAKEY, BURNS, DAVIS, EDGECOMB,  
GRATWICK, HAMPER, MASON,  
MCCORMICK, WHITTEMORE,  
WILLETTE, WOODSOME, THE  
PRESIDENT - MICHAEL D. THIBODEAU

23 Senators having voted in the affirmative and 12 Senators  
having voted in the negative, and 23 being less than two-thirds of  
the members present and voting, it was the vote of the Senate  
that the veto of the Governor be **SUSTAINED**.

(See action later today.)

The Following Communication: S.C. 1000

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

April 27, 2016

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 1481, "An Act to Protect Maine's Natural Resources  
Jobs by Exempting from Sales Tax Fuel Used in Commercial  
Farming, Fishing and Forestry."

I am vetoing this bill, not because I do not support its goal,  
but because it is no longer necessary. The language of this bill  
was included in Part B of LD 1606, which I have already signed  
into law. The language of LD 1606 is preferable, because that  
legislation identifies off-setting funding to account for the revenue  
foregone by this change in Maine tax laws. Moreover, I am  
concerned that if this bill were allowed to become law, conflicts of  
law would be created due to the varying effective dates found  
within these two bills.

For these reasons, I return LD 1481 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 Protect Maine's Natural Resources Jobs by Exempting  
from Sales Tax Petroleum Products Used in Commercial  
Farming, Fishing and Forestry  
S.P. 579 L.D. 1481

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

**ORDERS**

**Joint Resolutions**

On motion by Senator **CUSHING** of Penobscot, the following  
Joint Resolution:

S.P. 707

**JOINT RESOLUTION  
RECOGNIZING MAY 1 TO MAY 7, 2016 AS MAINE SAFETY  
WEEK**

**WHEREAS**, every year, more than 80,000 workers suffer injuries  
on construction job sites across the United States and one injury  
is one too many; and

**WHEREAS**, safety should be the number one focus in the  
construction industry; and

**WHEREAS**, over 40 national and global construction firms  
constituting the Construction Industry Safety Initiative, or CISI,  
and the Incident and Injury-Free, or IIF, Executive Forum have  
joined forces to inspire everyone in the construction industry to be  
leaders in safety; and

**WHEREAS**, Pittsfield-based Cianbro is one of the companies that have helped make Safety Week 2016 possible; and

**WHEREAS**, companies across the country have banded together to create and celebrate Safety Week 2016, running from Monday, May 2nd, to Friday, May 6th; and

**WHEREAS**, the mission for Safety Week 2016 is for companies to act together to thank workers for supporting safety, to emphasize the need to be injury-free, to recognize workers' efforts to be injury-free, to increase awareness of the importance of being committed to safety every day, to share best practices, to strengthen the construction industry's safety culture and to conduct on-site safety awareness activities; and

**WHEREAS**, expanding the focus of Safety Week 2016 to encompass not just safety issues pertaining to the construction industry but safety issues more generally would benefit citizens of the State as well as for-profit businesses and nonprofit organizations throughout the State; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to proclaim May 1 to May 7, 2016 Maine Safety Week and urge citizens of the State to use safe practices at the workplace, in the home and on the road; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the corporate offices of Cianbro in Pittsfield.

**READ and ADOPTED.**

Sent down for concurrence.

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## REPORTS OF COMMITTEES

### Senate

#### Pursuant to Joint Rule 309

From the Committee on **JUDICIARY** on Bill "An Act To Enact the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act"

S.P. 615 L.D. 1563

Received by the Secretary of the Senate on April 28, 2016, pursuant to Joint Rule 309.

**READ.**

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

---

Senate at Ease.

Senate called to order by the President.

---

On motion by Senator **GRATWICK** of Penobscot, the Senate **RECONSIDERED** whereby it **SUSTAINED THE VETO** on the following:

Resolve, To Enhance the Administration of the Child and Adult Care Food Program by Creating Clear Guidelines for Organizations and Streamlining the Application Process  
S.P. 570 L.D. 1472

(In Senate, April 29, 2016, Veto Communication (S.C. 999) **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 (#711)

YEAS: Senators: ALFOND, BAKER, BREEN, COLLINS, CYRWAY, DESCHAMBAULT, DIAMOND, DILL, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BRAKEY, BURNS, CUSHING, DAVIS, EDGEComb, HAMPER, MASON, MCCORMICK, ROSEN, WHITTEMORE, WILLETTE, WOODSOME

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, and 23 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

---

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

---

Senate at Ease.

Senate called to order by the President.

---

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

## ORDERS

### Joint Resolution

On motion by Senator **ALFOND** of Cumberland (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:  
S.P. 708

### JOINT RESOLUTION

#### **MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO TAKE ACTION FOR STRONG ENFORCEMENT OF OUR NATION'S TRADE LAWS**

**WE**, your Memorialists, the Members of the One Hundred and Twenty-seventh Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

**WHEREAS**, manufacturing is a critical part of Maine's economy, representing a 9.13% share of the gross state product, and Maine has 49,900 manufacturing jobs, representing 7.16% of total state employment; and

**WHEREAS**, manufacturing gained only 30,000 jobs nationwide in 2015, in an economy that gained 2,700,000 jobs across all sectors, and the Institute for Supply Management manufacturing index shows that the sector contracted in February 2016 for the 5th consecutive month; and

**WHEREAS**, industrial manufacturing sectors are at risk of sliding back into recession due to an alarming surge of unfairly priced imports from China and other nations; and

**WHEREAS**, the United States trade deficit with China set a new record in 2015 at \$366,000,000,000; and

**WHEREAS**, the steel industry in particular is suffering from an unprecedented surge in imports from a number of countries around the world, including China; and

**WHEREAS**, steel is a fundamental building block of our economy, used in the automotive industry, energy production and transmission, transportation infrastructure including bridges, highways, airports and railroads, public safety infrastructure such as water treatment, and the construction of hospitals, schools, industrial plants and commercial buildings; and

**WHEREAS**, steel is used in a broad range of military applications, from aircraft carriers to nuclear submarines, tanks and armored transports; and

**WHEREAS**, the steel industry provides employment for over 1,000,000 Americans and each steel job supports up to 7 other jobs in the economy; and

**WHEREAS**, finished steel imports increased by a dramatic 36% in 2014, setting an all-time record, and constituted 29% of the United States market in 2015, setting an all-time record for the 2nd consecutive year, up from 23% in 2013; and

**WHEREAS**, domestic steel shipments declined by over 12% in 2015 and plant activity averaged just 70% for 2015 and are well below levels necessary to be profitable; and

**WHEREAS**, the aluminum industry directly employs more than 155,000 people and the industry is directly or indirectly responsible for 678,000 jobs; and

**WHEREAS**, every job in the aluminum industry supports more than 3 jobs elsewhere in the economy and the aluminum industry in China is growing at a remarkable rate, from 11% of the world's primary aluminum production in 2000 to over 50% today; and

**WHEREAS**, aluminum shipments from China surged by 28% in the last year and Chinese aluminum producers have added an additional 17 metric tons of production since 2010; and

**WHEREAS**, paper imports coming into the United States since 2012 have caused 8 uncoated paper mills to close or shut down machines, causing the loss of thousands of jobs, and for every paper industry job that is lost 6 others are indirectly lost in other sectors of the economy; and

**WHEREAS**, paper imports from China have increased from 23,600 metric tons in 2012 to 62,400 metric tons in 2014 and a major cause of this import surge is global industry overcapacity, which is excess production capacity above what is necessary to meet market demand; and

**WHEREAS**, China's steel, aluminum and paper industries are almost completely state-owned and state-supported by China's central and provincial governments and China's exports are flooding every market around the world, creating a domino effect on trade flows; and

**WHEREAS**, much of the world's steel, aluminum and paper end up in the United States because we have the most open market in the world and because other countries are more aggressive in putting safeguards and tariffs in place; now, therefore, be it

**RESOLVED:** That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully urge that the President of the United States and the United States Congress take action for strong enforcement of our nation's trade laws to level the playing field with China and other countries and to protect domestic manufacturing industries from unfair foreign competition; and be it further

**RESOLVED:** That we respectfully urge the United States Department of Commerce to maintain China's status as a "non-market economy," a country that does not operate on market principles of cost or pricing structures and in which sales of merchandise do not reflect fair value, in order to preserve the ability of American companies and American workers to access domestic trade remedies; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

**READ and ADOPTED.**

Sent down for concurrence.

---

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

**SENATE PAPERS**

Bill "An Act To Fund Agreements with Bargaining Units for Certain Executive Branch Employees" (EMERGENCY)  
S.P. 709 L.D. 1702

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

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** 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.

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

---

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

**SENATE PAPERS**

Bill "An Act To Make a Technical Correction to Public Law 2015, Chapter 483" (EMERGENCY)  
S.P. 710 L.D. 1703

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

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** 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.

---

**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**COMMUNICATIONS**

The Following Communication: H.C. 552

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

April 26, 2016

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 365, "An Act To Provide a Tax Reduction for Modifications To Make a Home More Accessible for a Person with a Disability."

If I were to support a proposal to achieve this bill's policy objectives, I would not support capping the tax credit at an income level of \$55,000. If a tax credit is valuable to one Maine taxpayer with disabilities, then it is valuable for all Mainers with disabilities. We should not discriminate against people with disabilities based on their income level.

This bill has a fiscal note of \$50,000 for 2016-2017, which would be paid for out of the unappropriated surplus in the General Fund. I do not support additional appropriations from the General Fund; therefore, I must return this bill to you unsigned and vetoed. I urge the Legislature to sustain it.

For this reason, I return LD 365 unsigned and vetoed. I strongly urge the Legislature to sustain it.



Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Provide a Tax Reduction for Modifications To Make a Home More Accessible for a Person with a Disability  
H.P. 252 L.D. 365

Comes from the House, 148 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 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 (#712)**

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

NAYS: Senators: None

ABSENT: Senator: WILLETTE

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.

---

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

**COMMUNICATIONS**

The Following Communication: H.C. 544

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

April 25, 2016

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 1279 "An Act To Authorize Advance Deposit Wagering for Horse Racing."

This bill would direct \$95,000 in FY 17-18 and \$93,316 in FY 18-19 to the Gambling Control Board to administer a request for proposal to award one bidder the privilege to be licensed to conduct advance deposit wagering for horse races. The fiscal note on this bill assumes the General Fund revenues that will be used to hire an auditor at the Gambling Control Board will be raised from the net commission on wagers. I am not so convinced.

I do not want to risk underfunding other more pressing initiatives just so one company can receive the exclusive right to offer advance deposit wagering in the entire State of Maine. I do not believe granting one company exclusive rights in this way is good policy. It is certainly not a priority that deserves State funding.

For these reasons, I return LD 1279 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 Authorize Advance Deposit Wagering for Horse Racing  
H.P. 875 L.D. 1279

Comes from the House, 120 members having voted in the affirmative and 29 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 (#713)**

YEAS: Senators: BAKER, BURNS, COLLINS, CUSHING, CYRWAY, DESCHAMBAULT, DIAMOND, DILL, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, JOHNSON, KATZ, LANGLEY, MCCORMICK, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, WOODSOME

NAYS: Senators: ALFOND, BRAKEY, BREEN, DAVIS, HILL, LIBBY, MASON, MILLETT, ROSEN, WHITTEMORE, THE PRESIDENT - MICHAEL D. THIBODEAU

ABSENT: Senator: WILLETTE

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, and 23 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.

(See action later today.)

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

**COMMUNICATIONS**

The Following Communication: H.C. 549

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

April 25, 2016

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 1696, "Resolve, To Establish a Moratorium on Rate Changes Related to Rule Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28, and 65."

This resolve prohibits the Department of Health and Human Services (DHHS) from engaging in rulemaking regarding these sections of MaineCare policy until the next Legislature is in session. It was prompted not by any actual DHHS rulemaking proposal, but by DHHS contracting with a reputable vendor for a rate study of these sections of policy. DHHS then shared the

results of the rate study with providers of these services to seek their feedback.

The mere act of seeking input on a thorough, third-party rate study was enough to spur Democratic lawmakers to action with this partisan and preemptive resolve to tie the hands of the Department. DHHS has not introduced or proposed any rulemaking of any kind related to these sections of MaineCare policy as a result of the rate study.

This resolve is a highly partisan measure introduced at the last minute by one branch of government to infringe on the powers of another.

For these reasons, I return LD 1696 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Resolve:

Resolve, To Establish a Moratorium on Rate Changes Related to Rule Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28 and 65

H.P. 1162 L.D. 1696

Comes from the House, 102 members having voted in the affirmative and 45 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Resolve 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 Resolve. 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 (#714)**

YEAS: Senators: ALFOND, BAKER, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BRAKEY, EDGEComb, MASON, MCCORMICK, ROSEN, WHITTEMORE

ABSENT: Senator: WILLETTE

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent, and 28 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 Resolve become law notwithstanding the objections of the Governor.

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

### COMMUNICATIONS

The Following Communication: H.C. 550

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

April 26, 2016

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 1514, "An Act To Conform Maine Law to the Requirements of the American Dental Association Commission on Dental Accreditation."

Two years ago, I signed into law the bill to create the position of dental therapist. The bill represented a compromise between dental therapy proponents and dentists. Fundamental to that compromise was the assurance to dentists that the new therapists would practice under direct supervision of a dentist—meaning that a dentist had to be on site as therapists perform more advanced procedures, including some that are surgical and irreversible.

Two years later, before any dental therapists have even begun practicing, I am asked to sign a bill that would dispense with that deal I facilitated by eliminating the direct supervision requirement. I decline to take part in reversing that compromise at this time.

The approach outlined in this bill is too much, too soon. Let us give the dental therapists a chance to work under the system we established in the last Legislature and evaluate that system before dispensing with direct supervision. Let us also give the new dental school at the University of New England a chance to graduate new dentists to provide care in underserved areas of the state. I am very concerned not only about the quantity of health care available to Mainers, but the quality as well.

For these reasons, I return LD 1514 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 Conform Maine Law to the Requirements of the American Dental Association Commission on Dental Accreditation  
H.P. 1037 L.D. 1514

Comes from the House, 141 members having voted in the affirmative and 7 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:** The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I regret rising to begin a debate where this has been debated many times on the Floor of this Body with respect to this particular bill, but I just want to make sure that everyone understands what the facts are with the particular issue because it is often the case that, unfortunately, in this Legislature information comes in on the last day, at the last hour, at the last minute, some new facts, some new take on the bill that never came out of committee, that never came out in the Floor debates previously. Just so everyone is clear on the facts of this, number one, that in the State of Minnesota that dental practitioners are permitted, are permitted, to do routine, minor extractions of teeth for both adults and children. Secondly, that in the State of Minnesota, as is would be true in Maine, that if a dentist entering into an agreement with a dental therapist doesn't want to allow the therapist to do that the dentist can limit the procedures and not allow the dental therapist to do extractions. On the other hand, if the dentist wishes to allow the extractions to take place, the dentist can contract with their employee to allow those extractions to take place. I think that's the state of our understanding before today. I just wanted to clear up that that is the facts of the situation, as best as I understand them, and if you prefer to the contrary I suggest you've been given inaccurate information. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, once again we come to the issue of dental or oral healthcare in this Body. It's come before us for six years now, as I recollect. At the last minute we continue to receive information. My good colleague from Augusta, who is very passionate about this, I respect that he believes strongly that this is the right way to go, but I assure you, Mr. President, that there are some facts here that are not as clear. One of those is that we are offering individuals who have not gone to the full measure of schooling the opportunity to do irreversible procedures in the mouth of ourselves and our children. Yes, there was discussion, once again, at the end of session between members of the Legislature and the Chief Executive to try to hammer out a solution, but ultimately this gets down to the fundamental question of whether we feel it's appropriate to continue to change the policy on dental care in the state before we even have people properly trained and deployed into the field.

I would encourage folks, with due respect to the time that has been spent on this discussion, to once again Sustain the Governor's veto of this issue so that we can go back to appropriate discussion of what is good for Maine citizens and Maine oral healthcare, not national concerns. Thank you, 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, once again, very briefly, I agree with what my colleague said; that a lot of information seems to come in at the eleventh and a half hour. This bill has been in front of us in one version or another for several years. There's been ample opportunity to digest it and to work with it, change it. We did that the last time we met together. The lawmakers in this Body made agreements. We voted, we cast our votes. Here we are on veto day receiving new information that has not been vetted out. The bottom line here is, ladies and gentlemen, no dentist is going to have to enter into any of these agreements unless they choose to. When they are comfortable with the process then they will follow through with it. Other than that, they will not. I would urge you to stick with our position from before. I would urge you to Override this veto. Thank you.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, I spoke the other day about special skills and education as required by that amendment and I just want to say that I support this bill and think we should Override the veto to give these folks a chance. What it helps is the folks in rural areas and we need to do that more than worry about credentials at the moment, even if they are excessive. We can work on that. Let's get the help to the folks that need it. Thank you.

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 (#715)

**YEAS:** Senators: BAKER, BRAKEY, BREEN, BURNS, CYRWAY, DAVIS, DIAMOND, DILL, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO

**NAYS:** Senators: ALFOND, COLLINS, CUSHING, DESCHAMBAULT, EDGECOMB, GERZOFKY, LIBBY, MASON, MCCORMICK, ROSEN, VOLK, WHITTEMORE, WOODSOME, The PRESIDENT - MICHAEL D. THIBODEAU

**ABSENT:** Senator: WILLETTE

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, and 20 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED.**

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

The Following Communication: H.C. 545

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

April 25, 2016

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 1465, "Resolve, To Require the Department of Health and Human Services To Conduct a Study of Ambulance Services."

This bill started out as a reimbursement rate increase for ambulance services under MaineCare. This is not an ignoble proposition, provided rate increases are necessary to maintain services. However, the bill in its demise was given the same soft landing afforded to too many bills before the Legislature: a transformation into the obligatory "study."

I have no quarrel with the Legislature when it convenes study groups using its own personnel and resources, but the study called for in the final version of this bill is an unfunded mandate on the Department of Health and Human Services (DHHS) to "contract with a third-party consultant to conduct a rate study..." It goes on to describe what the study must include for data and analysis. The Office of MaineCare Services projects that a study like this would cost \$75,000 to \$100,000, yet this bill provides no funding for it.

In its testimony before the committee, DHHS provided a chart comparing Maine's Medicaid reimbursement rates across 11 ambulatory service codes with those of the other New England states and as proposed by this bill as originally written. This kind of information is very useful and was provided at no real cost to the Department. If the Legislature wants more, they will need to pay for it.

For these reasons, I return LD 1465 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Resolve:

Resolve, To Require the Department of Health and Human  
Services To Conduct a Study of Ambulance Services  
H.P. 1006 L.D. 1465

Comes from the House, 139 members having voted in the affirmative and 10 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Resolve 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 Resolve. 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 (#716)**

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

NAYS: Senator: EDGECOMB

ABSENT: Senator: WILLETTE

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being absent, and 33 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 Resolve become law notwithstanding the objections of the Governor.

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The Following Communication: H.C. 546

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

April 25, 2016

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 1498, "An Act To Clarify Medicaid Ombudsman Services."

Although I applaud the good intentions behind this bill, it proposes an unnecessary and inoperable expansion of government.

It is unnecessary because Maine currently has contracted MaineCare ombudsman services for targeted populations as well as a vast array of advocacy services already available in the community. The services described in this bill are also duplicative of those offered by ObamaCare "navigators," who receive significant taxpayer funding.

The bill is inoperable because, although it requires DHHS to contract for ombudsman services, it prohibits the use of State funds to do so. The only way to draw down federal funds is with matching State funds. Private funds may not be used as seed money to draw down a federal Medicaid match. So that leaves private funds as the only source of funding for this bill. While it is unclear where those private funds are supposed to come from, it is clear that this service could already be provided by a private organization with no need for additional government involvement.

For these reasons, I return LD 1498 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Clarify Medicaid Ombudsman Services  
H.P. 1021 L.D. 1498

Comes from the House, 118 members having voted in the affirmative and 28 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 (#717)**

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

NAYS: Senators: BRAKEY, BURNS, EDGECOMB, MCCORMICK, WHITTEMORE

ABSENT: Senator: WILLETTE

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being absent, and 29 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.

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

**COMMUNICATIONS**

The Following Communication: H.C. 554

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

April 26, 2016

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 1689, "An Act To Protect Children in the State from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes."

Maine child care providers are already required to conduct background checks on their employees, but this bill seeks to go a step further and require fingerprinting not only of child care center staff, but those who frequent the homes of family child care providers.

The approximate cost of \$55 per fingerprint is a cost that, despite a few police departments volunteering to do it for free, must by default be borne by child care providers. When child care costs as much as college, the last thing the system needs is more costly mandates being passed on to Maine families who struggle to pay their weekly child care bill.

My office has heard from many child care providers who have asked me to veto this bill because they are already struggling under the weight of excessive regulations and costs. Their concern is understandable. This legislation represents more mandates, more costs, and more intrusion into the lives and work of Maine people and small businesses.

Supporters of this bill point to the prospect of the federal government reducing its child care grant to the State by five percent if we do not implement fingerprinting. Setting aside the fact that Maine already does not spend its entire allotted grant and that other states have not had to pay similar penalties, our entire state government must get away from the impulse to do what the federal government asks instead of considering what is best for Maine people.

For these reasons, I return LD 1689 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 Protect Children in the State from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes (EMERGENCY)

H.P. 1154 L.D. 1689

Comes from the House, 100 members having voted in the affirmative and 49 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 (#718)**

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

NAYS: Senators: BRAKEY, DIAMOND, EDGEComb, MASON, MCCORMICK

ABSENT: Senator: WILLETTE

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being absent, and 29 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.

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Senate at Ease.

Senate called to order by the President.

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

**COMMUNICATIONS**

The Following Communication: H.P. 1173

**STATE OF MAINE  
OFFICE OF THE  
SECRETARY OF STATE  
AUGUSTA, MAINE 04333-0148**

April 27, 2016

Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

Enclosed please find my official certification to the 127th Legislature of the citizen initiative petition entitled "An Act To Legalize Marijuana".

Sincerely,

S/Matthew Dunlap  
Secretary of State

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**State of Maine  
Secretary of State**

I, Matthew Dunlap, Secretary of State, hereby certify that written petitions bearing valid signatures of 62,848 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on February 1, 2016, requesting that the Legislature consider an act entitled, "An Act To Legalize Marijuana".

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 61,123.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the twenty-seventh day of April in the year two thousand and sixteen.

S/Matthew Dunlap  
Secretary of State

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

**READ** and **ORDERED PLACED ON FILE**, in concurrence

The accompanying Bill:

An Act To Legalize Marijuana

I.B. 6 L.D. 1701

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

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

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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

S.P. 709 L.D. 1702

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senator having voted in the negative, and 34 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.

Ordered sent down forthwith.

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

### PAPERS FROM THE HOUSE

#### Joint Resolution

The following Joint Resolution:

H.P. 1172

#### JOINT RESOLUTION

**COMMEMORATING THE HOLOCAUST AND HUMAN RIGHTS CENTER OF MAINE'S LEGISLATIVE AWARENESS DAY, MAY 1, 2016, AND YOM HASHOAH, THE DAY OF REMEMBRANCE**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered as victims of Nazism, such as the handicapped, political dissidents and many others for racial, ethnic or national reasons; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated, and the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of May 1, 2016 through May 8, 2016 as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, May 5, 2016; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration, and May 1, 2016 has been designated as the Holocaust and Human Rights

Center of Maine's Legislative Awareness Day; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust and in honor of the survivors, rescuers and liberators, urge the citizens of the State to recommit themselves to the lessons of the Holocaust through the Holocaust and Human Rights Center of Maine's Legislative Awareness Day and the international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

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

**READ** and **ADOPTED**, in concurrence.

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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 Public Law 2015, Chapter 483

S.P. 710 L.D. 1703

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 2 Senators having voted in the negative, and 32 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.

Ordered sent down forthwith.

---

Senator **CUSHING** of Penobscot moved the Senate **RECONSIDER** whereby the **VETO** was **OVERRIDDEN** on the following:

An Act To Authorize Advance Deposit Wagering for Horse Racing  
H.P. 875 L.D. 1279

(In House, April 29, 2016, **VETO OVERRIDEN** and the Bill **PASSED TO BE ENACTED**.)



(In Senate, April 29, 2016, Veto Communication (H.C. 544) **READ** and **ORDERED PLACED ON FILE. VETO OVERRIDEN** and the Bill **PASSED TO BE ENACTED**, in concurrence)

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Senate at Ease.

Senate called to order by the President.

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**THE CHAIR MADE THE FOLLOWING RULING:**

"The Chair would advise the Members that we cannot reconsider an Override of a Veto."

The Chair ruled **THE MOTION TO RECONSIDER THE OVERRIDE OF A VETO IS OUT OF ORDER.**

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Off Record Remarks

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

An Act To Protect Maine's Natural Resources Jobs by Exempting from Sales Tax Petroleum Products Used in Commercial Farming, Fishing and Forestry

S.P. 579 L.D. 1481

Tabled - April 29, 2016, by Senator **DAVIS** of Piscataquis

Pending - **CONSIDERATION**

(In Senate, April 29, 2016, Veto Communication (S.C. 1000) **READ** and **PLACED ON FILE.**)

Senator **DAVIS** of Piscataquis moved the Bill and accompanying papers be **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I fully support sending this back to committee and I also just want to take a second here and just thank the good Senator from Piscataquis, Senator Davis. This bill

in front of us, that we are sending back to committee, we all know we passed it in L.D. 1606. This whole issue wouldn't be in front of us, would not be helping all of these important industries, including those who work in our woods, if it wasn't for Senator Davis; and I just want everyone to know how much I appreciate the work he's done and I think he has done a fabulous job highlighting something that we can do right now to help our folks that work so hard in the lumber industry. Thank you, Mr. President.

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

Senator **DAVIS:** Thank you very much, Mr. President. I thank my friend from Cumberland for his kind words and I would urge that each member of this Body take credit for this and go home and tell the folks what you have done. Thank you very much, Mr. President.

On motion by Senator **DAVIS** of Piscataquis, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

**COMMUNICATIONS**

The Following Communication: H.C. 558

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

April 27, 2016

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 1253, "An Act To Improve the Evaluation of Elementary and Secondary Schools."

This bill needlessly complicates the process of developing an accountability system to determine how well Maine's schools are doing, which would interfere in the ongoing work at the Department of Education (DOE). Therefore, I must return it to you unsigned and vetoed.

Congress recently enacted the Every Student Succeeds Act to replace No Child Left Behind. DOE is in the process of adapting to the new law, a key provision of which requires that every state create an accountability system. As part of the federal mandate, DOE must develop a consolidated application for approval early in 2017, which must include a comprehensive

accountability system. Federal funds will be available to develop and implement the federal system. To avoid supplanting, DOE is prohibited by law from using any funds on the state portion of this process, and this bill does not provide any funding for DOE to use to develop the state system.

I also object to this bill's attempt to cut the Department out of the process for managing the development of the accountability system. It would enlarge the federally required stakeholder group and needlessly require them to develop two accountability systems: one to meet the new federal requirements and one for the new state requirements. My office regularly hears from teachers and principals objecting to the amount of time they spend collecting and reporting data to the state and federal governments, which takes time away from teaching. By forcing the creation of two distinct accountability systems with additional stakeholders, this bill increases that burden.

Given the infancy of the Every Student Succeeds Act, states have yet to receive the federal requirements for the system we must design. This bill ignores that reality and is overly prescriptive, placing a laundry list of requirements in statute without input from DOE or the stakeholder group about the accessibility, reliability or even necessity of the data required. Indeed this bill has gone out of its way to cut DOE out of the process, which I believe is inappropriate.

In order for DOE to report on the performance of schools and proficiency in each of the State's elementary and secondary schools based upon new data elements from a newly wrought school accountability system, major substantive rules would need to be adopted. Language included in the bill expressly forbids the DOE from reporting on school performance until that process is complete. Maine's parents and taxpayers deserve to know how their schools are performing, and this bill erects new obstacles to that objective.

In asking you to sustain this veto, I am asking that you allow the Department of Education to move school accountability forward consistent with complying with the new federal law, rather than limit our ability to measure school performance and share those results with the public. Please sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Improve the Evaluation of Elementary and Secondary Schools.

H.P. 853 L.D. 1253

Comes from the House, 112 members having voted in the affirmative and 31 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 (#719)**

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

NAYS: Senator: BRAKEY

ABSENT: Senator: WILLETTE

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being absent, and 33 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.

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The Following Communication: H.C. 542

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

April 22, 2016

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 1224, "An Act To Amend the Child Protective Services Laws."

The first section of this bill provides that expunged child protective services case records may not be admitted into evidence in any administrative or judicial proceeding. This is misguided.

Judges should be able to consider the totality of the circumstances whenever a child's safety is in question, and that should include being able to access information about any allegations, substantiated or unsubstantiated, of harm against or neglect of a child. If there are five allegations of the same type of behavior - as there often are - that is something an adjudicatory body should know about.

For these reasons, I return LD 1224 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 Child Protective Services Laws  
H.P. 842 L.D. 1224

Comes from the House, 147 members having voted in the affirmative and 1 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 (#720)**

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

NAYS: Senators: None

ABSENT: Senator: WILLETTE

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. 547

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

April 25, 2016

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 1521, "An Act To Create Equity among Essential Nonprofit Health Care Providers in Relation to the Sales Tax and the Service Provider Tax."

Current law provides a sales, use and service provider tax exemption for sales to "incorporated nonprofit rural community health centers." Whether a health center is designated as "rural" in this exemption is determined by U.S. Census data.

When this bill was proposed, supporters explained the intent of the bill was to eliminate the requirement that a nonprofit health center be "rural" to receive the exemption. This change was sought so that a single health center in Portland could qualify for the exemption. At a time when job creators are considering downsizing and moving jobs out of Maine, I do not support amending our tax laws to benefit a single, nonprofit entity.

Equally troubling was the amendment to this bill during the Legislative process to incorporate a new, more complex definition into the bill, adding "incorporated nonprofit federally qualified health centers," including "so-called federally qualified health center look-alike that meets the requirements of Section 254b" of Title 42 of the U.S. Code. Tax experts have advised me that this change may have broader implications that could benefit entities that have previously received the rural community health center exemption in error.

When asked to explain the fiscal impact of this bill, Maine Revenue Services reported that the definition in this bill makes it difficult to estimate and there could be unforeseen revenue losses not captured in this bill.

For these reasons, I return this bill unsigned and vetoed. I urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Create Equity among Essential Nonprofit Health Care Providers in Relation to the Sales Tax and the Service Provider Tax

H.P. 1046 L.D. 1521

Comes from the House, 139 members having voted in the affirmative and 10 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 (#721)**

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

NAYS: Senators: None

ABSENT: Senator: WILLETTE

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.

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The Following Communication: H.C. 553

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

April 26, 2016

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 1552, "An Act To Reduce Morbidity and Mortality Related to Injected Drugs."

This bill establishes a hypodermic needle exchange program whereby the Maine Center for Disease Control and Prevention is required to provide funding to needle exchange operators. However, the Legislature did not appropriate any money to fund this program.

For this reason, I return LD 1552 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 Reduce Morbidity and Mortality Related to Injected Drugs

H.P. 1057 L.D. 1552

Comes from the House, 108 members having voted in the affirmative and 40 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 (#722)**

YEAS: Senators: ALFOND, BRAKEY, BREEN, COLLINS, DESCHAMBAULT, DIAMOND, DILL, GERZOFsky, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BAKER, BURNS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, MASON, WHITTEMORE

ABSENT: Senator: WILLETTE

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, 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.

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The Following Communication: H.C. 540

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

April 20, 2016

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 1547, "An Act To Facilitate Access to Naloxone Hydrochloride."

This bill would allow pharmacists to dispense naloxone to practically anybody who asks for it. Naloxone does not truly save lives; it merely extends them until the next overdose. Creating a situation where an addict has a heroin needle in one hand and a shot of naloxone in the other produces a sense of normalcy and security around heroin use that serves only to perpetuate the cycle of addiction.

To truly fight the heroin crisis, we must get at the root causes of the problem. We must ramp up our interdiction efforts against those bringing this poison into our state. We must expand education and prevention efforts to warn young people especially about the dangers of addiction. And we must address opioid prescribing practices that have opened the gateway to heroin addiction.

For these reasons, I return LD 1547 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 Facilitate Access to Naloxone Hydrochloride  
H.P. 1054 L.D. 1547

Comes from the House, 132 members having voted in the affirmative and 14 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 (#723)**

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

NAYS: Senators: BURNS, CYRWAY, EDGECOMB, HAMPER, WHITTEMORE

ABSENT: Senator: WILLETTE

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being absent, and 29 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.

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The Following Communication: H.C. 562

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

April 27, 2016

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 1675, "Resolve, To Create the Task Force on Public-private Partnerships To Support Public Education."

I am concerned that outcomes of this taskforce must not create downstream financial commitments and/or liabilities with private funds that later must be supplanted with public, taxpayer funds. We have worked hard during the last five years to promote financial sustainability, and it is my experience that initiatives that are initially piloted with private funds either grow weary of the need for constant work to raise funds or expand beyond their initial scope and seek an injection of funds from taxpayers.

Further, I believe that the language of this bill creates the likelihood that members of the Task Force may have conflicts of interest that preclude them from offering unbiased perspective. By establishing this task force without any funding and relying instead on private funds for the work of the task force, this bill creates the potential for a pay-to-play scenario where an organization such as Goldman Sachs, J.P. Morgan, the Rockefeller Foundation or the Gates Foundation could essentially buy a seat at the table in order to influence the work and recommendations of the task force.

Just as it would be inappropriate for the Maine Education Policy Research Institute to use this task force as a way to direct more work to the institute or to advance a single policy proposal already championed by one of its scholars, so too it would be inappropriate for a private organization to advance policies and recommendations for its own benefit. If such a task force is to be formed and successful, the members must be free from conflicts that could undermine the integrity of the task force and its work.

For these reasons, I return this bill to you unsigned and vetoed. I urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Resolve:

Resolve, To Create the Task Force on Public-private Partnerships To Support Public Education (EMERGENCY)  
H.P. 1143 L.D. 1675

Comes from the House, 137 members having voted in the affirmative and 12 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Resolve 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 Resolve. 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 (#724)

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

NAYS: Senators: BRAKEY, DAVIS, EDGEComb, WHITEMORE

ABSENT: Senator: WILLETTE

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being absent, and 30 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 Resolve become law notwithstanding the objections of the Governor.

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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 Exclude from Sales Tax Certain Sales by Civic, Religious and Fraternal Organizations  
S.P. 651 L.D. 1613  
(S "B" S-544 to C "A" S-430)

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

Ordered sent down forthwith.

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

## PAPERS FROM THE HOUSE

### Joint Resolution

The following Joint Resolution:

H.P. 1174

**JOINT RESOLUTION  
RECOGNIZING THE 50TH ANNIVERSARY OF THE  
ALLAGASH WILDERNESS WATERWAY**

WHEREAS, the Allagash Wilderness Waterway was established by the Maine Legislature on May 11, 1966; and

WHEREAS, the people of Maine overwhelmingly passed a \$1,500,000 bond issue on November 8, 1966 to develop the maximum wilderness character of the Allagash Wilderness Waterway; and

WHEREAS, the Allagash Wilderness Waterway is a 92-mile water route from the Allagash River's headwaters of Allagash Stream, Allagash Lake and Telos Lake, passing through major lakes and ponds and down the Allagash River, to West Twin Brook near Allagash Village; and

WHEREAS, Maine residents and visitors to Maine enjoy paddling, camping and fishing in the Allagash Wilderness Waterway; and

WHEREAS, many children from Maine and across the country have completed their first long-distance canoe trip paddling the Allagash Wilderness Waterway and thereby developed a lifelong love of the out-of-doors, the Maine woods and the State of Maine; and

WHEREAS, paddling the Allagash Wilderness Waterway has resulted in positive life-changing experiences for many adult and young paddlers; and

WHEREAS, the Allagash Wilderness Waterway is rich in Native American history; and

WHEREAS, Henry David Thoreau canoed the Allagash River in 1857 and wrote about it in his book, *The Maine Woods*; and

WHEREAS, the Allagash Wilderness Waterway is prized for its native wild brook trout fishery; and

WHEREAS, the Allagash Wilderness Waterway has played a vital role in the history of logging in Maine; and

WHEREAS, the Allagash Wilderness Waterway was designated a Wild River under the federal Wild and Scenic Rivers Act on July 19, 1970; and

WHEREAS, the Allagash Wilderness Waterway has attracted many visitors from all over the world to the State of Maine, resulting in significant economic benefits to Maine guides, outfitters and other businesses that provide goods and services to these visitors; and

WHEREAS, the employees of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands have cared for and preserved the Allagash Wilderness Waterway for decades; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize and celebrate the 50th anniversary of the Allagash Wilderness Waterway.

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

**READ** and **ADOPTED**, in concurrence.

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

**COMMUNICATIONS**

The Following Communication: H.C. 563

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

April 29, 2016

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

Dear Secretary Priest:

House Paper 286, Legislative Document 419, "An Act To Establish the Summer Success Program Fund," 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?"

93 voted in favor and 56 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 435, Legislative Document 654, "An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General," 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?"

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

House Paper 436, Legislative Document 655, "Resolve, To Provide the Engineering Study and Planning Needed for a Statewide, Centrally Located Emergency Services Training Facility and Several Regional Training Facilities," 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?"

93 voted in favor and 55 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 1120, Legislative Document 1649, "An Act To Modernize Maine's Solar Power Policy and Encourage Economic Development," 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?"

93 voted in favor and 50 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 944, Legislative Document 1394, "An Act To Implement the Recommendations of the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula," 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?"

95 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.

House Paper 1012, Legislative Document 1489, "An Act To Clarify Expenditures Regarding Androscoggin County," 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?"

87 voted in favor and 61 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 1071, Legislative Document 1579, "An Act Regarding the Maine Clean Election Fund," 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?"

84 voted in favor and 63 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 1106, Legislative Document 1629, "An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund," 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?"

90 voted in favor and 58 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Senate Paper 698, Legislative Document 1692, "An Act To Amend and Clarify the Laws Governing the Brunswick Naval Air Station Job Increment Financing Fund," 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?"

85 voted in favor and 62 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.**

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Senate at Ease.

Senate called to order by the President.

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

## **PAPERS FROM THE HOUSE**

### **Non-Concurrent Matter**

Bill "An Act To Raise the Minimum Wage Incrementally to \$10 Per Hour in 2020"

S.P. 701 L.D. 1695  
(S "B" S-535)

In Senate, April 14, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-535).**

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED, in NON-CONCURRENCE.**

Senator **MASON** of Androscoggin moved the Senate **INSIST.**

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

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



Senator **KATZ**: Thank you, Mr. President. Men and women of the Senate, I know you just asked people to raise their right hand. I just want to say I noticed a leading member of Democratic Leadership raising his left hand. I'm not sure if that was on purpose or not.

Mr. President, thank you. I'll be brief. This is the minimum wage bill which we are revisiting. This was passed by this Body, but short of the two-thirds needed for emergency enactment, a week or so ago. I know several members of this Body voted no because of legitimate concerns they had about the prospect of a legal challenge to this bill, that someone might go to court and argue that, even though the Legislature may have decided this was an emergency, that the court might second-guess that decision; and if the court found that it really wasn't an emergency, then this bill would be deemed to be a competing measure and go on the ballot in November as a competing measure.

We address that with you here again today. I just wanted to add to the record, Mr. President, that during the intervening week that several people asked if perhaps some other attorney could weigh in on the subject. The name Walter McKee was mentioned to me as someone from being from an opposite political party and well respected by members of this Legislature. Full disclosure, Mr. McKee's my former law partner. Those of you who are involved with criminal law issues certainly know of Walter and his reputation. Yesterday Attorney McKee weighed in on this in a two-page letter. I'd just like to briefly read a couple of small portions about it. He says, "Turning to the specific question, there is no doubt that the emergency preamble in the amendment to L.D. 1695 would be held as legally binding." He goes on to say, "I have surveyed all Maine Supreme Court cases in the last 30 years that address issues relating to the effectiveness of preamble language making legislation emergency legislation. I could not find a single case that even suggested that an emergency preamble was somehow insufficient, therefore invalidating the immediate effect of the passage of the emergency legislation. What is clear from all of the law court cases that interpret the Maine Constitution and the relevant statute is that even minimally worded emergency preambles will always be upheld as sufficient. In the case of the amendment to L.D. 1695, the emergency preamble is detailed, indeed overachieves, in the sufficiency department. The multiple specific references to Maine's financial situation, business climate, and potential disruption of Maine businesses if there is any delay more than satisfies what the Maine Supreme Court would determine to be adequate to be considered legally sufficient and binding emergency legislation. In summary, this is not even a close call," Attorney McKee says, "The emergency preamble substantially exceeds the minimal requirements set by the Maine Supreme Judicial Court."

Again, Mr. President, people might have concerns about the bill from other perspectives and might not want to support it for other reasons; but if you were worried that passing this bill might result in a competing measure, I hope that this well-thought-out opinion will help dispel any remaining doubts about that. Thank you, Mr. President.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Mason to Insist. A Roll Call has been ordered. Is the Senate ready for the question?

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

### ROLL CALL (#725)

YEAS: Senators: ALFOND, BAKER, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DILL, EDGECOMB, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, WHITEMORE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BRAKEY, DIAMOND, JOHNSON

ABSENT: Senator: WILLETTE

EXCUSED: Senator: VOLK

30 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **MASON** of Androscoggin to **INSIST PREVAILED**.

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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Off Record Remarks

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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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. 32

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.

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

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

S.O. 33

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 House. The Senator was escorted to the House.

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

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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.

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Off Record Remarks

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On motion by Senator **EDGECOMB** of Aroostook, the Honorable **MICHAEL D. THIBODEAU**, President of the Senate, declared the Second Regular Session of the 127<sup>th</sup> Legislature **ADJOURNED SINE DIE** at 5:57 in the evening, in memory of and lasting tribute to the Honorable Richard C. Kneeland of Easton.