

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

In Senate Chamber
Wednesday
April 13, 2016

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

Prayer by Senator Geoffrey M. Gratwick of Penobscot County.

SENATOR GRATWICK: Thank you very much. I'd like to read to you a short passage from the novel *Anna Karenina* by the Russian novelist Leo Tolstoy. It's about spring in the Russian countryside, in reality it's just about spring, and then I'll offer a brief prayer.

Spring was a long time unfolding, then suddenly, on Easter Monday, a warm wind began to blow. Dark clouds gathered and for three days and three nights heavy rain poured down. When the wind finally dropped a thick gray mist scattered, as if concealing the changes taking place in nature. Then, on the eve of the holiday, the mist scattered, the dark clouds broke up into fleecy white ones, the sky cleared, and real spring unfolded. In the morning the bright sun rose and quickly ate up the thin ice covering the water, and the warm air was all atremble, filled with the vapours of the reviving earth. The old grass and the sprouting needles of new grass greened, the buds on the guilder-rose, the currants and the sticky, spirituous birches swelled, and on the willow, all sprinkled with golden catkins, the flitting, newly hatched bee buzzed. Invisible larks poured trills over the velvety green fields and ice-covered stubble, the peewit wept over the hollows and marshes still filled with brown water; high up the cranes and geese flew with their spring honking. Cattle, patchy, moulted in all but a few places, lowed in the meadows, bow-legged lambs played around the bleating shedding mothers, fleet-footed children ran over the drying paths covered with the prints of bare feet. The real spring had come.

Let us pray. We thank You, Lord, for giving us this wonderful green world in which we live. We thank You, Lord, for giving us yet another spring. Amen.

Pledge of Allegiance led by Senator Earle L. McCormick of
Kennebec County.

Reading of the Journal of Tuesday, April 12, 2016.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Raise the Base Assessment for Correctional Services for Oxford County" S.P. 704 L.D. 1697

Majority - **Ought to Pass**, pursuant to Joint Order 2016, S.P. 695 (9 members)

Minority - **Ought Not to Pass**, pursuant to Joint Order 2016, S.P. 695 (4 members)

In Senate, April 11, 2016, on motion by Senator **ROSEN** of Hancock, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **ROSEN** of Hancock, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Tom McKenney, of Norridgewock, a 10-year Maine Warden Service veteran who patrols the Norridgewock area, who was named the 2016 Maine Game Warden of the Year. We send our appreciation to Warden McKenney for his dedicated service and congratulate him on his receiving this honor;

SLS 1159

Sponsored by Senator WHITEMORE of Somerset.
Cosponsored by Representative: FARRIN of Norridgewock.

READ.

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

Senator **WHITEMORE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it is a great honor to be the sponsor of this sentiment congratulating Tom McKenney for achieving the title of Game Warden of the Year. Since Tom McKenney started his career as a Maine Game Warden, he has been the epitome of hard work and consistency. He has worked very hard to make a difference and a positive and hardworking member of the Maine Warden Service. His proactive approach to warden work, his assistance with planning for the future of the Warden Service, and his strong desire to protect the natural resources of the state of Maine earned Tom McKenney the 2015 Maine Game Warden of the Year Award. I want to congratulate Tom McKenney.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Tom McKenney, Joe Wilkinson, and Lt. Kevin Adam of the Maine Warden Service. They are the guests today of the Senator from Somerset, Senator Whittemore. Would our guests please rise and accept the greetings of the Senate.

Derek Pierce, of Portland, Principal at Casco Bay High School, who was named Maine's Principal of the Year by the Maine Principals' Association. Under his direction, Casco Bay High School, which was founded in 2005, has become a national model for expeditionary learning, a model promoted by Outward Bound that emphasizes real-world learning experiences and includes an interdisciplinary, project-based curriculum. Formerly the principal at Poland Regional High School and at Whittier Middle School in California, in 2014 Mr. Pierce won a \$100,000 leadership award from the Nellie Mae Foundation, which he used to fund scholarships and projects at Casco Bay High School. We extend to Mr. Pierce our congratulations and best wishes;

SLS 1158

Sponsored by Senator HASKELL of Cumberland.
Cosponsored by Senators: ALFOND of Cumberland, EDGECOMB of Aroostook, LANGLEY of Hancock, MILLETT of Cumberland, Representatives: CHIPMAN of Portland, DAUGHTRY of Brunswick, DION of Portland, FARNSWORTH of Portland, HARLOW of Portland, HUBBELL of Bar Harbor, JORGENSEN of Portland, KORNFELD of Bangor, MAKER of Calais, McCLELLAN of Raymond, MOONEN of Portland, PIERCE of Falmouth, POULIOT of Augusta, RUSSELL of Portland, STEARNS of Guilford, STUCKEY of Portland, TIPPING-SPITZ of Orono.

READ.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (3/8/16) matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing Isaac Webb of Blue Hill

SLS 975

Tabled - March 8, 2016, by Senator **GRATWICK** of Penobscot

Pending - **PASSAGE**

(In Senate, March 8, 2016, **READ**.)

READ.

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

Senator **GRATWICK:** Thank you, Mr. President. Ladies and gentlemen, it's a great pleasure to present, to introduce, Isaac Webb to you today. He's here with his parents, Bill and Doris Webb of Blue Hill. Isaac, as you just heard, is an outstanding student from John Bapst. He's really the Renaissance Man. He's the one that we want to keep here in Maine. Isaac is not only a scholar of note, he has had numerous awards, including candidate for U.S. Presidential Scholars, but he's also a musician, both jazz and classical; a varsity baseball player; he's Captain of the Math and the Cyber Defense Teams; and he has been a leader at John Bapst. It gives me great pleasure to have Isaac and his parents here to accept this sentiment. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Isaac Webb and his parents, Bill and Doris Webb. They are the guests today of the Senator from Penobscot, Senator Gratwick, and the Senator from Hancock, Senator Langley. Would they please rise and accept the greetings of the Senate.

The Chair laid before the Senate the following Tabled and Later Assigned (4/5/16) matter:

JOINT RESOLUTION - Recognizing April 2016 as Autism Awareness Month

H.P. 1159

Tabled - April 5, 2016, by Senator **MASON** of Androscoggin

Pending - **PASSAGE**, in concurrence

(In House, April 4, 2016, **READ** and **PASSED**.)

(In Senate, April 5, 2016, **READ**.)

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

ORDERS OF THE DAY

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

JOINT ORDER - Expression of Legislative Sentiment
Recognizing Derek Pierce of Portland
SLS 1158

Tabled - April 13, 2016, by Senator **ALFOND** of Cumberland

Pending - **PASSAGE**.

(In Senate, April 13, 2016, **READ**.)

READ.

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

Senator **HASKELL:** Thank you very much, Mr. President. Men and women of the Senate, it's such a pleasure today to have Derek Pierce here with us. I'd like to tell you just a little bit about him. I won't tell you all about him and he'll be very glad about that. The first thing you need to know about this gentleman is that this school, now you've got me started on this one, yes, I've got

that one but I tripped over it. One of the interesting questions he sometimes asks kids when they first get into high school is: tell me three things about you, two truth and one lie. Well in an interview somebody asked Principal Pierce that question and here were his three things he said: I was turned down to host *Saturday Night Live*; number two, I was a national athlete featured in *Sports Illustrated*; and three, I always wanted to be a Principal. Can you guess which two are true and which one is the lie? Turns out the first two are true. Indeed, he, being a fan of *Saturday Night Live*, wrote them a letter and decided that the show, at some point in time, should be hosted by just some guy. They turned him down, but at least he applied and was turned down by *Saturday Night Live*. *Sports Illustrated*, it looks like a basketball player, but no, it was called *Team Wrst*" which competed that year in the U.S. National Toboggan Championships in Camden and they specialized in being horrible, finishing last, and in tailgating. He said that the project involved a lot of sausage links and self-deprecating humor. There you have it. That's the man that's leading our children.

Let's get back to business a little bit because he's a lot more than just a funny guy. He is truly a genuine leader. He's, one of the great strengths that he has is he doesn't allow himself to get too comfortable. Well, if you ever went to his school, I don't believe he has an office. I've never seen him anywhere except on his feet on the floor with students, but maybe he has one. He taught for a couple of years in Los Angeles and then decided he had an obligation to grow more, to enlarge the field of education rather than just merely maintaining it. He earned a master's degree in education from Harvard in 1993 and, eager to settle in New England, he went up to Gorham High School, where he taught for five years, and then he saw an opportunity in Poland, where the chance to start a new school, too good to pass up. That was years of just this titanic energy and bold ideas which came to that school. That was the first school in our state to require every senior to fill out an application to college. It didn't matter where they were going to work, what they were going to do, but they were going to fill out an application to college. It has remained a part of what happens at Casco Bay High School. They actually go and march right to the post office and mail those at one particular time. This is a part of, and this is only a brief part, but this is a way of understanding what expeditionary learning is really all about. This school, about 275 students, has a waiting list of more than 100 families waiting to get in. It's a place where rigor, relevance, and relationships are paramount. It's really, it really grew out of Outward Bound, where students tackle multi-disciplinary projects, long-term in-depth studies of a single topic that involves field work and actual real work. This year the junior class studied coal mining and energy consumption. Good grief, I'm going back to school. Consumption, and their studies culminated in a trip to West Virginia and they met and interviewed people whose lives were touched directly by that issue, and then did a documentary about that experience. Casco Bay students go deeper but into fewer topics. They go deeper, bigger issues come up, and complex connections among the fields of study immerge. One last thing I'll tell you about is what they do at graduation. They are required to stand on stage and present themselves to their community, share what they learned, how they grew, and what they're doing. This has been very powerful for Casco Bay. In 2010 it was named a model school by the International Center for Leadership in Education. In 2014 they won \$100,000 in the Leadership Award from the Nellie Mae Foundation, which was plowed right back in,

at the Principal's request, to scholarships and projects. Here's what some of the students said at the end of their time: "Casco Bay forces you to step outside your comfort zone and do things you might never think of doing," "Growing up with obstacles has taught me the blessing is in the struggle, I feel more ambitious and inspired by my past and will use the lessons I've learned as the backbone for my future." These are kids graduating from high school. Rita said, "I came to school broken, I was simply surviving, when the school wrapped me in an invisible blanket and kept my strength, my warmth, inside." These are wonderful things to have happen at a high school. This is a Principal who knows the name of every one of those students who walks into his school and he knows their story, he knows them personally, and I'm very proud that it's in my district and that this amazing Principal will be representing the state of Maine. Thank you, Mr. President.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I will be incredibly brief and that's hard to do because, as you've just heard, Principal Pierce is quite a leader. I think we all every day get up and I think we all try to do our best and I think what really, to me, validates what we do is what other people think of us, how they respond to us. Do they react well? What do they say when you say, you know, Principal Pierce? There is no one better, for me, to understand that than the students. When Casco Bay High School received \$100,000 from Nellie Mae students were there, all around, receiving the award, speaking about the award, and you should have heard the compliments, the credit, the team effort, the collaboration that Principal Pierce has created at Casco Bay High School. I'm sure every single one of us would have wanted to be there, go to school there, and be under the leadership of Principal Pierce because he is really an outstanding leader for our state and it's just a terrific day for our state when we can recognize someone who is doing such good work for our young people of the state of Maine. Thank you, Mr. President.

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

Senator **EDGEComb:** Thank you, Mr. President. Ladies and gentlemen of the Senate, the greatest reward for any educator is to be appreciated and remembered. Mr. Pierce, I'm certain, will not be remembered for the car that he drives or the house that he lives in or for the amount of money that he makes. He'll be remembered for the difference that he made in a student's life. This honor, Mr. Pierce, I congratulate you as Principal of the Year. It's a tremendous honor. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair would recognize in the rear of the Chamber the Principal of the Year, Derek Pierce. Would he please rise and accept the greetings of the Senate.

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

COMMUNICATIONS

Pursuant to Article IV, Part Third, Section 2-A, the accompanying line item vetoes on:

An Act Regarding the Long-term Care Ombudsman Program
S.P. 655 L.D. 1617

The accompanying line item veto:

HEALTH AND HUMAN SERVICES, DEPARTMENT OF
(FORMERLY DHS)

Office of Aging and Disability Services Central Office 0140 Initiative: Provides funds to contract for 2 additional positions in the long-term care ombudsman program to assist patients with complex medical needs with overcoming barriers to admission in a residential care facility, nursing facility or assisted living facility or program and provide services to facilities subsequent to placement of patients with complex medical needs.

GENERAL FUND

All Other 2016-17 \$150,000 Changed to \$0

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 32 Senators having voted in the affirmative and no Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN.**

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

LD 1617 - the accompanying line item veto:

An Act Regarding the Long-term Care Ombudsman Program
S.P. 655 L.D. 1617

HEALTH AND HUMAN SERVICES, DEPARTMENT OF
(FORMERLY DHS)

Office of Aging and Disability Services Central Office 0140

Initiative: Provides funds to contract for 2 additional positions in the long-term care ombudsman program to assist patients with complex medical needs with overcoming barriers to admission in a residential care facility, nursing facility or assisted living facility or program and provide services to facilities subsequent to placement of patients with complex medical needs.

GENERAL FUND

General Fund Total 2016-17 \$150,000 Changed to \$0

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 31 Senators having voted in the affirmative and 1 Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN**.

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

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

COMMUNICATIONS

Pursuant to Article IV, Part Third, Section 2-A, the accompanying line item vetoes on:

An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General
H.P. 435 L.D. 654
(C. "A" H-548)

The accompanying line item veto:

Administration - Attorney General 0310

Initiative: Provides funds for the additional cost for 5 detectives employed in the Office of the Attorney General on July 1, 2016 to participate in the 1998 Special Plan on a prospective basis.

GENERAL FUND

Personal Services 2016-17 \$3,984 Changed to \$0

Comes from the House with the line-item Veto Overridden notwithstanding the objections of the Governor.

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 27 Senators having voted in the affirmative and 5 Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN**.

LD 654 - the accompanying line item veto:

Administration - Attorney General 0310

Initiative: Provides funds for the additional cost for 5 detectives employed in the Office of the Attorney General on July 1, 2016 to participate in the 1998 Special Plan on a prospective basis.

ATTORNEY GENERAL, DEPARTMENT OF THE

GENERAL FUND 2016-17 \$3,984 Changed to \$0

Comes from the House with the line-item Veto Overridden notwithstanding the objections of the Governor.

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 28 Senators having voted in the affirmative and 4 Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN**.

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 Resolve Inconsistencies in the Drug Laws
S.P. 609 L.D. 1554
(H "A" H-664 to C "B" S-418)

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

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

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

Ordered sent down forthwith.

ORDERS OF THE DAY

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

An Act To Authorize Advance Deposit Wagering For Horse Racing

H.P. 875 L.D. 1279
(C "A" H-614)

Placed on the Special Appropriations Table - April 8, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, April 6, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-614)**, in concurrence.)

(In House, April 7, 2016, **PASSED TO BE ENACTED.**)

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.

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

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
(C "A" H-521)

Placed on the Special Appropriations Table - March 9, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 3, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-521)**, in concurrence.)

(In House, March 8, 2016, **PASSED TO BE ENACTED.**)

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

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

An Act To Implement Certain Recommendations Of The Maine Proficiency Education Council

S.P. 660 L.D. 1627
(C "A" S-504)

Placed on the Special Appropriations Table - April 12, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, April 11, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-504.)**)

(In House, April 12, 2016, **PASSED TO BE ENACTED.**)

Senator **VALENTINO** of York requested a Roll Call.

Same Senator requested and received leave of the Senate to withdraw her request for a Roll Call.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#667)

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

NAYS: Senators: None

EXCUSED: Senator: HILL

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, 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.

Senate at Ease.

Senate called to order by the President.

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

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
(C "A" H-277)

Placed on the Special Appropriations Table - June 9, 2015, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, June 4, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)**, in concurrence.)

(In House, June 8, 2015, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-277).

On further motion by same Senator, Senate Amendment "A" (S-490) to Committee Amendment "A" (H-277) **READ**.

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

Senate at Ease.

Senate called to order by the President.

Senator **ALFOND** of Cumberland requested and received leave of the Senate to withdraw his request for a Roll Call.

On motion by Senator **HAMPER** of Oxford, Senate Amendment "A" (S-490) to Committee Amendment "A" (H-277) **ADOPTED**.

Committee Amendment "A" (H-277) as Amended by Senate Amendment "A" (S-490) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277) AS AMENDED BY SENATE AMENDMENT "A" (S-490) thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

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

An Act To Establish The Summer Success Program Fund
H.P. 286 L.D. 419
(C "A" H-450)

Placed on the Special Appropriations Table - June 17, 2015, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, June 16, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)**, in concurrence.)

(In House, June 17, 2015, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-450), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-491) to Committee Amendment "A" (H-450) **READ** and **ADOPTED**.

Committee Amendment "A" (H-450) as Amended by Senate Amendment "A" (S-491) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450) AS AMENDED BY SENATE AMENDMENT "A" (S-491) thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

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

Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services

H.P. 605 L.D. 886
(C "A" H-645)

Placed on the Special Appropriations Table - April 11, 2016, by Senator **HAMPER** of Oxford

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 11, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-645)**, in concurrence.)

(In House, April 11, 2016, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-645)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-645), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-520) to Committee Amendment "A" (H-645) **READ** and **ADOPTED**.

Committee Amendment "A" (H-645) as Amended by Senate Amendment "A" (S-520) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-654) AS AMENDED BY SENATE AMENDMENT "A" (S-520) thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

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

An Act To Define Prosthetic And Orthotic Devices For Purposes Of The Sales Tax Law

H.P. 695 L.D. 1000
(C "A" H-110)

Placed on the Special Appropriations Table - May 20, 2015, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-110)**, in concurrence.)

(In House, May 19, 2015, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-110)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-494) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-110) AND SENATE AMENDMENT "A" (S-494), in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

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

Emergency Resolve

Resolve, To Provide Wage Parity For Supervisors Of Law Enforcement Personnel

S.P. 585 L.D. 1523
(C "A" S-383)

Placed on the Special Appropriations Table - March 22, 2016, by Senator **HAMPER** of Oxford

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 10, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-383)**.)

(In House, March 17, 2016, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-383)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-383).

On motion by Senator **KATZ** of Kennebec, Senate Amendment "B" (S-515) to Committee Amendment "A" (S-383) **READ**.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, this amendment does a couple of things. First of all, it takes L.D. 1523, which refers to increases in compensation for certain law enforcement supervisors of 5%, and it combines it with L.D. 1653, which was a more broad based bill which gives more significant raises to many other law enforcement personnel and many in various state law enforcement departments. What it does, Mr. President, instead of having the 18% raises, 17%, 15% depending on the department, the amendment would grant raises to all of these folks, both the supervisors and the members of the other various departments, of 5%. By doing so it would reduce the fiscal note from approximately, the total spend I should say, from about \$6.5 million to around \$2.4 million. Mr. President, there's no question that we know that raises are necessary for several of our law enforcement departments in order to assist them with recruitment and retention, but we suggest that this amendment does so in a much more fiscally sound and prudent way at this time. It gets an immediate raise to these folks but allows for a more reasoned and thoughtful approach to raises in the future, which can be accomplished in really several ways. One would be by finally taking a look at and implementing the studies which have been done, including the crescendo study, which looked at the appropriate raises for law enforcement. Secondly, Mr. President, this Legislature would have an opportunity to revisit this issue in January. Third, Mr. President, and perhaps more importantly, it would allow the usual process of collective bargaining to go forward, where the Executive Department and the various bargaining units could work out, by agreement, appropriate increases for pay, which I think we all agree in the usual course of events is the best way to do so. This bill, Mr. President, funds these raises by first looking at existing resources, secondly to the salary plan, and third, if absolutely necessary, to the General Fund. It's a down payment on raises we know are going to be necessary, but on the other hand it does so in a fiscally responsible way that recognizes that collective bargaining is generally the most, the preferred manner, of going ahead with raises. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#668)

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

NAYS: Senator: BURNS

EXCUSED: Senator: HILL

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **KATZ** of Kennebec to **ADOPT** Senate Amendment "B" (S-515) to Committee Amendment "A" (S-383) **PREVAILED**.

Committee Amendment "A" (S-383) as Amended by Senate Amendment "B" (S-515) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-383) AS AMENDED BY SENATE AMENDMENT "B" (S-515) thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

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

Emergency Measure

An Act To Increase Payments to MaineCare Providers That Are Subject to Maine's Service Provider Tax
H.P. 1115 L.D. 1638
(C "A" H-623)

Placed on the Special Appropriations Table - April 11, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)**, in concurrence.)

(In House, April 8, 2016, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-623), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-521) to Committee Amendment "A" (H-623) **READ** and **ADOPTED**.

Committee Amendment "A" (H-623) as Amended by Senate Amendment "A" (S-521) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623) AS AMENDED BY SENATE AMENDMENT "A" (S-521) thereto, in **NON-CONCURRENCE**.

Ordered sent down 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:

SENATE PAPERS

Bill "An Act To Provide Relief for Significant Reductions in Municipal Property Fiscal Capacity" (EMERGENCY)
S.P. 705 L.D. 1699

Presented by Senator WHITTEMORE of Somerset.
(GOVERNOR'S BILL)
Cosponsored by Representative McCABE of Skowhegan.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

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

On motion by Senator **MILLETT** of Cumberland, Senate Amendment "A" (S-519) **READ**.

Senator **MASON** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-519).

Same Senator requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-519).

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

Senator **MILLETT**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of my amendment to L.D. 1699. The Education Committee worked this issue that this bill addresses and decided, unanimously, that this issue would not best be dealt with through Education statute, that, in fact, it needed to be addressed through the Taxation Committee. Representative Stearns, Representative Tipping-Spitz, and myself spent an afternoon in the Taxation Committee discussing the intricacies of sudden and severe property evaluation decreases. We revisited this issue later in the session when we were asked to support addressing the sudden and severe valuation decreases for a number of communities in the state of Maine. The committee unanimously supported a letter to the Appropriations and Financial Affairs Committee asking them to take action for fiscal year 2016-2017, but in a manner that does not impact other districts across the state. I was dismayed to see then this bill come before us which, in fact, goes against what we unanimously agreed in committee and, going beyond providing relief in 2016-2017, institutes significant policy changes for education funding. Make no mistake, the way this bill is currently written, moving forward from 2016 to 2017 districts across the state of Maine will be negatively impacted by this language, seriously and significantly. This deserves the regular legislative process, which we all have come here to participate in and respect. My amendment would simply say that for fiscal year 2016-2017 relief would be provided to these communities that have experienced severe and sudden evaluation decreases and then allow us to come back and discuss this matter in the proper fashion. I hope that you will all join me in supporting this amendment which, again, does provide relief to those communities who have experienced sudden and severe devaluation and then we can come back and do the legislative process correctly. Thank you, Mr. President.

Senator **MASON** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-519).

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

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

Senator **ALFOND**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to reinforce what my colleague from Cumberland just said. We, right now, have an opportunity to do a fix; do a fix that was often done in this place before we had the funding formula. We had cushions. We had fixes. We had all kinds of things that we used to do that really made this place go upside down. It was who was on Appropriations, who was on the Education Committee, who was the President of the Senate, who was the Speaker of the House. We are going back. We could be going back in time. I think it is okay to go back in time because of what's happening to our mill towns and we're creating that fix right now. We've over \$900,000 to be going to a few communities that have had sudden and severe losses. Now if we don't pass this, and move onto

something else, you know those 279 that everyone gets and every one of our communities gets and they look at because that is probably one of the most important things we do in this Legislature? Those things are all potentially going to change. They're all going to potentially change because of this vote right now. If you think this is a small vote, I kid you not, you're superintendent is going to know about this vote. This vote right here is one of the bigger votes that we're going to take in this entire time because every 279 can potentially change because of this vote. We have a chance to do something right, which is thoughtful, and fix these four or five communities, or we can open up the funding formula. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, this bill does help those communities with sudden and severe, that are affected by this loss in the mill rate, and they evaluation decline, but what it also does is it has increased the trigger from 2% to 4.5% from the next most recently certified State valuation. What that does, in this bill it says that if a municipality saw from one single employer a loss of more than 4.5% in valuation from the year before that that would get averaged in with the previous three years rolling average to set a new rate for that year. What it does is it doesn't make them all whole. It creates a softer landing. It splits the difference, really, from their true loss. This is definitely a mid-range solution to this and what it also does, as I said before, it creates a hurdle that's much higher for municipalities to reach going forward in the future. It would have to be, for lack of a better word, a one-horse town that had one employer in it that went down and those folks really would be the ones that would need the most help. It sets in place something that creates a soft landing, it doesn't disrupt the whole formula, and, frankly, let's hope it's not in any one of our towns that we live in when this happens. Thank you, Mr. President.

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

Senator **MILLETT:** Thank you, Mr. President. I certainly appreciate the sentiment of my colleague from the Education Committee. My amendment allows for rectification of 1617 sudden and severe devaluation. It's unfortunate that a few people in the last wee hours of this session met to develop education statute changes without the full participation of their committees, the public, and Maine citizens. I would encourage you to support this amendment so we can provide relief for these communities, I am sympathetic to their cause, but then allow our legislative process to function the way it was meant to function. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Mason to Indefinitely Postpone Senate Amendment "A" (S-519). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#669)

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

NAYS: Senators: ALFOND, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOFOSKY, GRATWICK, HASKELL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK

EXCUSED: Senator: HILL

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MASON** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-519) **PREVAILED**.

PASSED TO BE ENGROSSED, without reference to a Committee.

Sent down for concurrence.

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

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

COMMUNICATIONS

Pursuant to Article IV, Part Third, Section 2-A, the accompanying line item vetoes on:

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

S.P. 652 L.D. 1614

The accompanying line item veto:

CORRECTIONS, DEPARTMENT OF

County Jail Operations Fund Z194

Initiative: Provides one-time funding for the County Jail Operations Fund to meet funding needs for the operation of the State's county jails and regional jail.

GENERAL FUND

All Other 2015-16 \$2,465,896 Changed to \$0

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 30 Senators having voted in the affirmative and no Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN**.

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

LD 1614 - the accompanying line item veto:

CORRECTIONS, DEPARTMENT OF

County Jail Operations Fund Z194

Initiative: Provides one-time funding for the County Jail Operations Fund to meet funding needs for the operation of the State's county jails and regional jail.

GENERAL FUND

GENERAL FUND TOTAL 2015-16 \$2,465,896 Changed to \$0

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 31 Senators having voted in the affirmative and no Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN**.

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

LD 1614 - the accompanying line item veto:

CORRECTIONS, DEPARTMENT OF

County Jail Operations Fund Z194

Initiative: Provides one-time funding for the County Jail Operations Fund to meet funding needs for the operation of the State's county jails and regional jail.

CORRECTIONS, DEPARTMENT OF

DEPARTMENT TOTALS

GENERAL FUND 2015-16 \$2,465,896 Changed to \$0

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 33 Senators having voted in the affirmative and no Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN**.

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

LD 1614 - the accompanying line item veto:

CORRECTIONS, DEPARTMENT OF

County Jail Operations Fund Z194

Initiative: Provides one-time funding for the County Jail Operations Fund to meet funding needs for the operation of the State's county jails and regional jail.

CORRECTIONS, DEPARTMENT OF

DEPARTMENT TOTALS

DEPARTMENT TOTAL ALL FUNDS 2015-16 \$2,465,896 Changed to \$0

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 32 Senators having voted in the affirmative and no Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN**.

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

LD 1614 - the accompanying line item veto:

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

GENERAL FUND

All Other 2016-17 (\$2,465,896) Changed to \$0

Senator **MASON** of Androscoggin inquired if the line item veto was **PROPERLY BEFORE THE BODY**.

THE CHAIR MADE THE FOLLOWING RULING:

"The Chair would advise the Members that pursuant to Article IV, Part Third, Section 2-A of the Maine Constitution, for any disapproved dollar amount the Governor shall replace the dollar amount with one that does not result in an increase in an appropriation or allocation or a decrease in a deappropriation or deallocation."

The Chair **RULED THE LINE ITEM VETO WAS NOT PROPERLY BEFORE THE BODY**.

LD 1614 - the accompanying line item veto:

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

GENERAL FUND

GENERAL FUND TOTAL 2016-17 (\$2,465,896) Changed to \$0

Senator **MASON** of Androscoggin inquired if the line item veto was **PROPERLY BEFORE THE BODY**.

THE CHAIR MADE THE FOLLOWING RULING:

"The Chair would advise the Members that pursuant to Article IV, Part Third, Section 2-A of the Maine Constitution, for any disapproved dollar amount the Governor shall replace the dollar amount with one that does not result in an increase in an appropriation or allocation or a decrease in a deappropriation or deallocation."

The Chair **RULED THE LINE ITEM VETO WAS NOT PROPERLY BEFORE THE BODY**.

LD 1614 - the accompanying line item veto:

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

FEDERAL EXPENDITURES FUND

All Other 2016-17 \$2,465,896 Changed to \$0

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 30 Senators having voted in the affirmative and no Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN**.

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

LD 1614 - the accompanying line item veto:

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

FEDERAL EXPENDITURES FUND

FEDERAL EXPENDITURES FUND TOTAL 2016-17 \$2,465,896 Changed to \$0

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 28 Senators having voted in the affirmative and no Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN**.

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

LD 1614 - the accompanying line item veto:

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

DEPARTMENT TOTALS

GENERAL FUND 2016-17 (\$2,465,896) Changed to \$0

Senator **MASON** of Androscoggin inquired if the line item veto was **PROPERLY BEFORE THE BODY**.

THE CHAIR MADE THE FOLLOWING RULING:

"The Chair would advise the Members that pursuant to Article IV, Part Third, Section 2-A of the Maine Constitution, for any disapproved dollar amount the Governor shall replace the dollar amount with one that does not result in an increase in an appropriation or allocation or a decrease in a deappropriation or deallocation."

The Chair **RULED THE LINE ITEM VETO WAS NOT PROPERLY BEFORE THE BODY**.

LD 1614 - the accompanying line item veto:

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

DEPARTMENT TOTALS

FEDERAL EXPENDITURES FUND 2016-17 \$2,465,896 Changed to \$0

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 29 Senators having voted in the affirmative and no Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN**.

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

LD 1614 - the accompanying line item veto:

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

SECTION TOTALS

GENERAL FUND 2015-16 \$2,465,896 Changed to \$0

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 30 Senators having voted in the affirmative and no Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN**.

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

LD 1614 - the accompanying line item veto:

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

SECTION TOTALS

GENERAL FUND 2016-17 (\$2,465,896) Changed to \$0

Senator **MASON** of Androscoggin inquired if the line item veto was **PROPERLY BEFORE THE BODY**.

THE CHAIR MADE THE FOLLOWING RULING:

"The Chair would advise the Members that pursuant to Article IV, Part Third, Section 2-A of the Maine Constitution, for any disapproved dollar amount the Governor shall replace the dollar amount with one that does not result in an increase in an appropriation or allocation or a decrease in a deappropriation or deallocation."

The Chair **RULED THE LINE ITEM VETO WAS NOT PROPERLY BEFORE THE BODY.**

LD 1614 - the accompanying line item veto:

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

SECTION TOTALS

FEDERAL EXPENDITURES FUND 2016-17 \$2,465,896
Changed to \$0

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 31 Senators having voted in the affirmative and no Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN.**

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

LD 1614 - the accompanying line item veto:

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

SECTION TOTALS

SECTION TOTAL ALL FUNDS 2015-16 \$2,465,896
Changed to \$0

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item veto of the Governor."

The Chair ordered a Division. 31 Senators having voted in the affirmative and 1 Senator having voted in the negative, it was the vote of the Senate that the line item veto of the Governor be **OVERRIDDEN.**

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Thursday, April 14, 2016, at 10:00 in the morning.