

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

In Senate Chamber  
Thursday  
June 13, 2013

Senate called to order by President Justin L. Alfond of  
Cumberland County.

Prayer by Reverend Sally Colegrove, Windham Hill United  
Church of Christ.

**REVEREND COLEGROVE:** As moderator of the Maine Conference of the United Church of Christ I bring you greetings from the 161 United Church of Christ churches across our state. Let us turn our hearts and minds towards God in prayer.

Most Holy and Gracious God, we call You by many names; great, wonderful, mighty, wise. We know You in many ways. We give You thanks for the sun and rain of this last week which nourished the fields of our state. We celebrate lupine and iris, daisies, and the first vegetables and greens, gifts from Your bounty. We pray that in these late days of spring we might each find new life for ourselves and for our friends and neighbors. Walk with us in this season, restoring financial security, finding employment, reassuring those who are anxious. This morning we would ask that You be present here in this place of decision and challenge. Bless those gathered with the gift of discernment, that they may make good choices for all who live in our state. As we look at the newspapers and internet we are amazed by the world that confronts us. Our thoughts turn to Syria and Turkey, Afghanistan and Somalia. We would be bold to ask for Your intervention, Holy One, in the affairs of the nations of our world. We pray for all those in the armed forces who are on duty today and ask that You might keep them safe and return them home. We ask for healing for those who have been injured and comfort for those families who have lost a loved one. Spirit of all hope and healing, our minds turn toward our country and we think about those who have been challenged by natural disasters and those who have been injured through the violence of others. We need a little good news. We need to read between the lines and discover the miracles happening each day. We give You thanks for each step of economic recovery, for those who think outside of the box, for every person who shares what they have with folk who are in need, for the food pantries and soup kitchens, the shelters, and those who work with the homeless. Bless our children as they complete another year of education and begin their summer holidays. We give thanks for all educators and counselors who have guided them through this academic year. Bless the Senators now as they begin their appointed tasks and bless all of the people of Maine as they go about their lives, both now and in the days to come. Lord, in Your mercy, here our prayer. Amen.

Pledge of Allegiance led by Senator Rebecca J. Millett of  
Cumberland County.

Reading of the Journal of Wednesday, June 12, 2013.

Doctor of the day, Amy Madden, MD of Rome.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects" H.P. 922 L.D. 1295

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-417)** (7 members)

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

In House, June 11, 2013, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)**.

In Senate, June 12, 2013, Reports **READ**. Motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**. Subsequently, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Comes from the House, motion to **RECEDE AND CONCUR** to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **FAILED**. Subsequently, **INSISTED** to **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report.

Senator **GOODALL** of Sagadahoc moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **KATZ** of Kennebec, 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 (#268)**

YEAS: Senators: BOYLE, CAIN, CRAVEN, DUTREMBLE, GERZOFKY, GOODALL, GRATWICK, HASKELL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, CLEVELAND, COLLINS, CUSHING, FLOOD, HAMPER, HILL, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, YOUNGBLOOD

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to **RECEDE** and **CONCUR, FAILED**.

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

**Non-Concurrent Matter**

Bill "An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms"  
S.P. 588 L.D. 1545  
(C "A" S-247)

In Senate, June 7, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-247)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-247) AS AMENDED BY HOUSE AMENDMENT "A" (H-473)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **GOODALL** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect Maine Communities by Prohibiting Horse Slaughter for Human Consumption and the Transport of Horses for Slaughter"  
H.P. 913 L.D. 1286

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-376)** (2 members)

In House, June 11, 2013, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376)**.

In Senate, June 11, 2013, on motion by Senator **JACKSON** of Aroostook, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **GOODALL** of Sagadahoc, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

**COMMUNICATIONS**

The Following Communication: S.C. 468

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES**

June 11, 2013

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Environment and Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1186 An Act To Allow Removal of Trees for Shoreline Stabilization Adjacent to Coastal Wetlands under the Natural Resources Protection Act

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. James A. Boyle  
Senate Chair

S/Rep. Joan W. Welsh  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 469

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

June 11, 2013

Honorable Justin L. Alford, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1496 An Act To Modernize and Simplify the Tax Code

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Anne M. Haskell  
Senate Chair

S/Rep. Adam A. Goode  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 467

**STATE OF MAINE  
COUNTY OF PENOBSCOT  
COURT OF COUNTY COMMISSIONERS**

June 10, 2013

Maine Senate President Justin Alford  
Maine Legislature  
3 State House Station  
Augusta, Maine 04333-0100

Senate President Alford:

It is with great pride that the Penobscot County Commissioners take this opportunity to recommend Mr. Charles Pray of Millinocket, Maine for appointment and consideration to fill a vacant seat on the LUPC. Their vote to confirm Mr. Prays appointment for this seat occurred on Tuesday, June 04, 2013 at their regularly scheduled meeting.

It is not every citizen who is willing to serve their neighbors. Mr. Charles Pray has served the citizens of the State of Maine and Penobscot County for eighteen years in the Maine Senate and an equal number of years in Washington in the US Department of Energy in various capacities and living and working in Millinocket, Maine and the Unorganized Territory.

After a very deliberative process of reviewing resumes and applications of a large number of very qualified applicants followed by a one on one interview process, it was clear to the Commissioners of Penobscot County that Mr. Pray's background and knowledge of the history of the Land Use Planning Commission and the Unorganized Territory will make him a very valuable and contributing member of the Commission not only representing the interests of Penobscot County but of all Maine citizens.

Enclosed is a copy of the completed background paperwork requested by the Legislative Committee. Mr. Pray and the Penobscot County Commissioners look forward to the Public Hearing process.

S/William J. Collins  
Penobscot County Administrator

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

**ORDERS**

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

Bartlett Stoodley, of Unity, on the occasion of his retirement from the Department of Corrections after more than 40 years of dedicated service. Mr. Stoodley began his career in 1971 as a probation officer for adult and juvenile corrections in Waterville. He progressed to district supervisor in Region 4 in Bangor until the department reorganization, which divided adult and juvenile services. Mr. Stoodley became a Regional Correctional Administrator of the Division of Juvenile Services in Bangor and, in 2002, Mr. Stoodley became the Associate Commissioner for Juvenile Services in Maine. We send him our appreciation for his commitment to his profession and to the State, and we congratulate him on his well-deserved retirement;  
SLS 470

Sponsored by Senator HASKELL of Cumberland.  
Cosponsored by Senator: THIBODEAU of Waldo,  
Representative: JONES of Freedom.

**READ.**

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I rise today to send our appreciation and thanks to a true public servant. It says here in the sentiment

Bartlett Stoodley, but we never called him Bartlett. Well, we never got that mad at him. We called him Barry all the time. I want to talk about Barry a little bit. Barry spent 40 years of time dedicated to Corrections in the state of Maine and in particular to juvenile corrections. He's just recently retired because he became the Associate Commissioner for Juvenile Services in Maine in 2002. Since then I've had a lot of time to be working with him on issues that matter very much to me. He's done an extraordinary job. He's recognized not only here in the state of Maine but across the country for the incredible juvenile justice system that we do have here in the state of Maine. You would think that I was going to say all really nice things about Barry, but I'm going to say something that we all know about Barry. That is that Barry talks a lot. There are all snickers around the room because we've all been in the rooms when Barry has said, "Here's something you should know." Every research report that has been written on how to improve juvenile corrections is at his fingertips. He has brought the most recent, cutting edge research and information to bear on our kids here in the state of Maine. He cares so deeply about them. When you are in a meeting and Barry says, "I've got something to say," you want to lace up your shoes and be prepared because he's got something to tell you, he's got something important to tell you. This is not just my opinion of the professionalism and value that he's brought to the department. Many of the juvenile corrections philosophes and, frankly, employees have been snatched, if you will, by the Commissioner and brought over into our adult system in order to bring that kind of positive reinforcement into our correction system, and the stats back him up too.

This is not a prop, Mr. President, the 2012 Maine Juvenile Justice Data Book. The last ten years the overall arrest rate of youth in Maine decreased by 26%. That's a huge number. It's also important to know that the proportion of youth arrests to all arrests in Maine dropped from a high of 17% and it has reduced significantly. We know that juveniles are being arrested at a far smaller rate than they ever were. Juvenile offences, violent offences, in the last ten years decreased 28%. Violent offences comprised only 1.7% of all arrests of youth in 2010. Arrest for youth drug offences decreased by 33%. The average daily population of Maine in youth detention fell by 37%, even more than the crime fell. That tells you that we are diverting and we're helping kids and it's largely in part because of the extraordinary work of the whole department, but also lead by a very extraordinary individual. I'd like to thank him for the work that he's done over the years and also for his dedication to juveniles and his care for the youth of the state of Maine. Thank you, Mr. President.

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, there is an advantage to following the good Senator from Cumberland, Senator Haskell, because I can tell you I echo everything the good Senator said. I will add that in my time on the Criminal Justice Committee, Barry has been my go-to guy, particularly in juvenile issues. Some of us may remember when we weren't so proud of our juvenile corrections system here in Maine. That has been turned around and we have a model system, largely because of the work that Barry has done. I just wanted to add my congratulations to Barry. 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, I just want to quickly add to what the two previous speakers have said. I would be remiss today if I didn't get up and recognize Mr. Stoodley. I've always called him Mr. Stoodley in this formal environment. I guess today I can call him Barry and I'm going to. I had the great privilege of working with him for four years while I was in the Criminal Justice and Public Safety Committee. Mr. Stoodley is one of those people that stood out to me as being a consummate professional each and every time he came into our committee room, and he came in on a lot of occasions. He's one of those people that you always remember from your experience with the agencies that we deal with. Always professional. Always was very well versed in the subject that we were going to be talking about. I agree that he has done an extremely good job in his career. The state is going to really miss him. Thank you very much, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I got elected the first time in the 120<sup>th</sup> Legislature and the powers to be at the other end thought I should be on Criminal Justice and Public Safety for some odd reason. First thing that we looked at way back then were new facilities. We had, as my friend, Senator Plummer from Cumberland, mentioned, a very dismal system. We were, I think, ranked dead last in the country. Went and toured those new facilities and started talking about some of the new ways of thinking that Mr. Stoodley was implementing. I can't call him Mr. Stoodley, it's Barry. It really impressed me. The numbers that my good friend from Cumberland, Senator Haskell, was having a hard time finding on her list I've been quoting in this Body and the other Body for years. Those numbers are that when we started this turn-around of our juvenile system we had a 70% recidivism rate. Those kids were just coming out and going right back in. They might not be going to the juvenile facility. They were going into the adult facility. We whittled it down to 17%. I think the female side was even lower. It was through a change of how we were dealing with our juveniles that Barry Stoodley implemented. Even today, when I'm talking with the people that are now filling his shoes, I keep on referring to, "What would Barry say?" I want to make sure we're staying on the same course that we were going down. Nobody has earned the retirement, in my book, in the Department of Corrections as much as Barry Stoodley because I don't know if any person has worked harder at trying to reform a system that was dead last and bringing it these years forward, ten or twelve years forward, to being dead first. We have people coming from around the country. When I go to forums around the country it's always brought back to me how much of an improvement we've made in the state of Maine because of the change of thinking, the change of direction we took, and the person that lead that change. I want to stand up today and really just congratulate Barry for a well-deserved retirement for a very good job done. You've made a positive, very positive, direction in this state and the people that would be going into the adult system from the juvenile system aren't. A juvenile system built for success, not for failure. That's one of the big differences that we

have in the state of Maine, we build people for success, we don't build them for failure. Thank you very much, Barry, for teaching me that.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Barry Stoodley and Judy Stoodley. They are the guests today of the Senators from Cumberland, Senator Haskell, and Waldo, Senator Thibodeau. Would they please rise and accept the warm greetings of the Maine State Senate.

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Expressions of Legislative Sentiment recognizing:

Attorney General Janet Mills, of Farmington, who has been named the 2013 Woman of the Year by Emerge Maine. Ms. Mills is the 4th Maine woman to be selected for this distinction, which is based on her lifelong career in public service, law and politics. When she was chosen by Governor Joe Brennan to be the first woman district attorney in the State, she also became the first in New England and one of the first in the country. She has been elected 4 times to serve in the Maine House of Representatives and has served as Vice-chair of the Maine Democratic Party. Ms. Mills is also both the first and second woman elected by the Legislature as Attorney General for the State. She was a founding member of the Maine Women's Lobby and has served on a number of boards and commissions and was awarded the Maine Bar Association's Glassman Award for the advancement of women. We extend our congratulations to Attorney General Mills on her being named the 2013 Woman of the Year and thank her for her dedication and service to the people of the State;

SLS 477

Sponsored by Senator SAVIELLO of Franklin.  
Cosponsored by Representative: HARVELL of Farmington.

**READ.**

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, it is a special opportunity when you can rise to recognize somebody you see every day because we are, in this building, very blessed that every day in our hallways and in this Chamber there are extraordinary people that we get to spend time with every single day. The opportunity to take a few minutes to recognize one of them and perhaps draw a blush as you sing the praises of someone that you enjoy working with so much is something I can't miss. I hope many of you will join me.

On our calendar today item 4-7 is our very own Attorney General, former State Representative, all around amazing woman, Janet Mills. The Honorable Janet Mills is being recognized for an award she will receive this month from an incredible group called Emerge Maine. Janet is being recognized as the Woman of the Year. I'd say whether it's 2013 or whether it was last year or ten years ago, Janet has been qualified for this recognition for a long time. You can read the sentiment yourself

and learn about her career, if you didn't know about it, as a District Attorney. You can learn about her career in law. Learn about her career in the Legislature. What I want to speak to, the reason I think Janet Mills is well-deserved of this recognition, is because of all the things she is beyond the titles. Janet is as tough as nails. She is also as compassionate as anyone I've ever met or had the privilege to work with. What people don't remember is that Janet Mills and I sat very close to one another, not in the Chamber but on the Appropriations Committee, during my second term in the Legislature. I learned important things from Janet, like the secret to state government is all contained in the Annual Report. If you have the Annual Report you can find out anything you need to know about state government, especially when working on the budget. Janet essentially moved the entire Law Library to the Appropriations Committee to have at her beck and call at a moment's notice in case there was any type of statutory question; she would be ready to go. I also have fond memories of the time when one of the departments was seeking to purchase, I think, a tractor. While we were sitting in committee Janet looked it up and found a cheaper one on E-Bay and the transaction proceeded from there. The thing about Janet is that she isn't just really smart and really great at her jobs, and has not only been a trailblazer for women in this state, and I would say not only in our state but around the country, but Janet is also a mother, a daughter, she is a sister, she is a friend, she is a colleague, and she is a great boss. The opportunity to stand and slightly embarrass her today cannot be missed. I have learned so much from Janet in the past now nine years about how to be a complete person, a person who is excellent in their work, a person who works harder than anybody else, and who also takes time to enjoy life through things like music and poetry and spending time with family and friends or just kicking back sometimes and laughing until it hurts. I believe Janet Mills is well deserving of this award this year, not just because of all she's technically accomplished but because of all that she brings to the table, because of the entire person that she is, and I feel very lucky and very blessed to call her my friend. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, Janet often times gives me a hard time about all the "Savielloments" I put out. When I looked into the newspaper the other day and there was her smiling picture on the front page of the Franklin Journal for getting this award I said, "Ah ha, I can now have a little bit of fun." Janet and I, often times I describe it as our friendship and as a brother and sister. There are days that we love each other and there are days that we kill each other. I would tell you the story about the budget a couple of years ago, when Representative Pineau was between she and I, and she came up and she told me that she'd worked all night voting this budget. She looked at me, "What do you think?" I said, "I think I'll vote against it." Expletive, deleted, expletive, deleted, expletive, deleted, and she left. Ray looked at me, "I think she's mad at you." I said, "You think?" It is really great to have to have somebody like Janet because I know there are times that I can turn to her for advice or for suggestions. Not too long ago I had a little conversation about GMOs; you know, that thing we voted on yesterday that we were all rats about. There was a forum at the University of Maine at Farmington. There

were over a hundred people there. This is the first time that I've walked in and that truly 99% of them were against me and anything I said. It made no difference because Representative Harvell was preaching to the choir and I was dying badly. I had one person on my side, Attorney General Mills. She couldn't say anything because she was still writing her opinion. When I got home I was a little down. I have to admit that. Then comes this e-mail saying, "You did good. Here's the thing; you stuck to the legal part, you stuck to the practical part, you stuck to the science." That meant a lot to me personally because it kind of picked me up and I said, "I guess I wasn't totally wrong and at least one person there liked me." Really today I'm really proud to offer this sentiment for her and I look forward to going home and presenting her with her official "Savielloment". Thank you very much, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I stand to congratulate Attorney General Mills publically. I've known her way longer than she's known me. There was this fabulous, fabulous woman who was the DA in Androscoggin County and she was always in the papers. As a matter of fact, I barely know who the DA is now. Before I was ever involved in politics I knew who our District Attorney was. I was so proud that she was a woman because it was almost unheard of at that time. People were just so amazed at her level of energy and involvement and activity. Everybody knew it was Janet Mills. You know, they talked about her and it was just wonderful. A woman of her stature comes into your house and sits and down and, you know, that I know her personally is so rewarding. I'm so proud to know her and warmly congratulate her.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm sure you've heard enough of me to last you for an entire session, but I've got to add one more thing, if I may. I want to speak on behalf of this recognition of Attorney General Janet Mills. As you know, I was speaking about her last night. I hope her ears weren't burning. Although I didn't use her name, I just want to reiterate the high esteem that I hold Janet Mills in. I first met Janet Mills back in the mid-1970s on one of my earlier homicide investigations. A young man killed another young man. Janet Mills showed up in Machias from the Attorney General's Office to oversee the investigation of the case. From then on I developed a keen respect and abeyance and great pride to be able to work with Janet. Over these years I've had many occasions to work with her. As I said last night, on several occasions, she is an extremely competent professional. She does an extremely good job at what she does. She's well respected by her peers and she's well-deserving of this award. It's been a privilege to work with her over these years. Thank you, Mr. President.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I served on Criminal Justice for a number of years and the good Attorney General, who was not the Attorney General then, would come in. I found her to be very quiet and introverted, not loquacious at all. In the second week she got over her cold and I understood what the rest of you are talking about.

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

Senator **BOYLE:** Thank you Mr. President. Men and women of the Senate, I rise to congratulate Attorney General Mills as well. I had the fortune to attend the inauguration this winter. I didn't have a seated ticket. I was standing in a crowd of over a million people. I heard my name. I looked over and it was Attorney General Mills. She was with her husband and her grandson and offered Sue and I seats. She's very generous. The important part of the story, and my advice to you all, is if you are ever stuck in a crowd of over a million people trying to leave the White House lawn, you want to trail in the wake of Janet Mills. Thank you, Mr. President.

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

Senator **LACHOWICZ:** Thank you Mr. President. I want to take this opportunity to congratulate Attorney General Mills also and also to tell you a short story of the time we found Eliza Lovejoy's birthplace in Albion. We stopped at the side of the road, lost, and Janet yells, "Oh my God, look right there. There's the sign." There we were, parked right there. Soon afterwards we also found the Lovejoy family cemetery plot, which I'm pretty sure Janet Mills is now trying to make sure that it is fixed up because she was very upset that it was not tended to well enough. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I join in my congratulations. Janet, of course, comes from an outstanding family. We all know her brother, Peter. He father actually served in this Body, along with my Dad as well. Peter Mills tells the story of Janet's father, about how, in his final days as he was near death, the family was gathered around and he asked to be taken down to the clerk's office in town to change is registration from Republican to Democrat. Thinking that perhaps he was failing, he wasn't in his right mind, "Dad, why would you want to change your registration? You've been a lifelong Republican." He said, "Well, I figure if someone's got to go it ought to be one of them." I'm not sure if that is a true story or not, but Peter tells it. I would like to add my voice in congratulations to this incredibly talented and accomplished and distinguished woman. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, some of us actually predate our Legislative service. I just want to stand up and say she is the real

deal. I've known her for a very long time. We have very close family connections. Attorney General Mills is by far the real deal. You're always going to get exactly what you ask for when you ask her a question. She's going to give you her opinion and then she's going to back it up with the Supreme Court and every other court in the land. I just can't congratulate her enough for being who she is. I know the trials she had in her family, them being on the wrong side of many issues, but I'm sure that she convinced them at Thanksgiving just how right she was on a lot of those issues. Congratulations, Attorney General Mills.

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

Senator **VALENTINO:** Thank you very much Mr. President. I would be remiss if I did not stand today to say a few kind words about my good friend, Attorney General Janet Mills. I've known her. She sat behind me when we were in the House. I will tell you, she talked incessantly on every single bill. On every debate she knew what was going on and she would be anticipating what people would say. I learned an awful lot from her. We served on the Appropriations Committee together. We spent a lot of long evenings just talking, even after the committee was over, on different bills and different alternatives. I very vividly remember what the good representative behind me had said about looking up on E-Bay and trying to find some type of a vehicle. That was Janet over and over. I would also say that, being Chair of the Judiciary Committee this year, she has been extremely helpful to our committee. I trust her. I rely on her. I value her judgment. A lot of my decisions in committee are based on what she is giving us for information. I would only say one little thing, I remember one night, after a very long day at Appropriations, we went to Slates. We decided to treat ourselves to a lovely dinner. In the morning, we were actually the last ones to leave, we found out it burnt down right after we left. I'm never going to Slates with Janet again.

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

Senator **MAZUREK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll just tell a quick story about Janet Mills. A couple of years ago I was running for my second or third term in the House and Janet offered to help. She came down. It was in the summer, August or early September. Very hot. I had a whole bunch of door hangers. I said that was the plan. I said, "We don't have to do it because it's much too hot. We'll do something else." She said, "Oh no, we're going to do that." We must have covered 200 houses that day. She loved every minute of it. She's a great trooper. I always consider her a good friend. Thank you.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Attorney General Janet Mills. Will she please rise and accept the greetings of the Maine State Senate.

## Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Richard Bruce Stedman, of Westport Island, a retired Assistant Secretary-General of the United Nations and longtime active member of the community. Mr. Stedman was born in St. Paul, Minnesota and graduated magna cum laude from Harvard University. During World War II, he served as an officer in the United States Navy aboard a destroyer escort in the Pacific Theater. Mr. Stedman joined the United Nations in 1946 as it was forming and served in numerous capacities with distinction. In 1994, he and his wife, Susie, moved to Maine, where he became an active member of the board of the United Nations Association of Maine and with the Lincoln County Democrats. He also served on the Westport Island Planning Board and was an adult literacy tutor. Mr. Stedman's many years in service to our Nation and community never dampened his appreciation of life, humanity and simple pleasures. Every acquaintance received in good measure the respect, interest and appreciation, laced with good humor, that exemplified his spirit. Mr. Stedman will be greatly missed and long remembered by his loving family, his many friends and those whose lives he touched;

SLS 471

Sponsored by Senator JOHNSON of Lincoln.  
Cosponsored by Senator: GOODALL of Sagadahoc,  
Representatives: BERRY of Bowdoinham, DEVIN of Newcastle,  
KENT of Woolwich, MacDONALD of Boothbay.

**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 rise today to recognize the spirited life of a fine man, Richard Bruce Stedman, and his many years of military and public service to his nation, his work helping the people of other nations, friends, and his community. Just last fall Bruce, in his 90's, was driving me house to house around Westport Island. I was worried that I was imposing on Bruce because, at his age, I was convinced he had better ways to spend his retirement than chauffeuring me around. I was there meeting voters with Bruce driving and having a great time because it was what Bruce wanted to do. The Bruce I knew was an understated man of quiet confidence, not easily ruffled, with a great warmth and sense of wit. I'm proud to have known Bruce and grateful that someone so accomplished and distinguished considered our afternoon together a worthy use of his time. Mr. President, I respectfully ask that the sentiment be read and further that when we adjourn today we do so in memory and lasting tribute to Richard Bruce Stedman. Thank you.

At the request of Senator **JOHNSON** of Lincoln, Sentiment  
**READ.**

**ADOPTED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Susie Stedman, Valerie Johnson, Bill and Jill Cooney, Jeannie Gray, Lisa Paige, Lynn Kneedler, Susan and John Morris, Kate Josephs, Mike Herz, Bruce and Wendy Hazard, Betsy Wooster, and Bob Howe. They all are the guests today from the Senator from Lincoln, Senator Johnson. Would they please rise and accept the warm greetings of the Maine State Senate.

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide an Honorary Diploma to Veterans" H.P. 316 L.D. 466

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-471)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-471)**.

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

**READ ONCE.**

Committee Amendment "A" (H-471) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Lower Costs to Municipalities and Reduce Energy Consumption through Increased Competition in the Municipal Street Light Market"

H.P. 885 L.D. 1251

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-472)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-472)**.

Report **READ**.

On motion by Senator **CLEVELAND** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence.

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prohibit the Sale of High-caffeine Energy Drinks to Persons under 18 Years of Age" H.P. 504 L.D. 753

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-461)**.

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

FARNSWORTH of Portland

CASSIDY of Lubec

DORNEY of Norridgewock

GATTINE of Westbrook

PRINGLE of Windham

STUCKEY of Portland

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

Signed:

Senators:

HAMPER of Oxford

LACHOWICZ of Kennebec

Representatives:

MALABY of Hancock

McELWEE of Caribou

SANDERSON of Chelsea

SIROCKI of Scarborough

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **CRAVEN** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **KATZ** of Kennebec, 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 (#269)**

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish the Volunteer Advocate Program"

H.P. 620 L.D. 897

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-462)**.

Signed:

Senators:  
CRAVEN of Androscoggin  
HAMPER of Oxford  
LACHOWICZ of Kennebec

Representatives:  
FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
MALABY of Hancock  
McELWEE of Caribou  
PRINGLE of Windham  
STUCKEY of Portland

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

Signed:

Representatives:  
SANDERSON of Chelsea  
SIROCKI of Scarborough

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-462)**.

Reports **READ**.

On motion by Senator **CRAVEN** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-462) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding Informed Consent to an Abortion"  
H.P. 511 L.D. 760

Reported that the same **Ought Not to Pass**.

Signed:

Senator:  
VALENTINO of York

Representatives:  
PRIEST of Brunswick  
BEAULIEU of Auburn  
DeCHANT of Bath  
MONAGHAN-DERRIG of Cape Elizabeth  
MOONEN of Portland  
MORIARTY of Cumberland  
VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senators:  
BURNS of Washington  
TUTTLE of York

Representatives:  
CROCKETT of Bethel  
GUERIN of Glenburn  
PEAVEY HASKELL of Milford

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **VALENTINO** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **KATZ** of Kennebec, 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 Oxford, Senator Hamper.

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, L.D. 760, An Act Regarding Informed Consent, I would like to just give a little review as far as what current Maine law is on informed consent. We currently, in statute, call for, or demand, that information be given in writing at the woman's request and she will get information on alternatives to abortion. The woman is also informed of the following: that she is pregnant, the number of weeks that have elapsed since probable time of conception, particular risks associated with the pregnancy, and, lastly, abortion technique to be performed. What is proposed in L.D. 760 is that the information be given in writing and orally and the information alternatives to be provided. She will be informed of the name of the physician who is performing the abortion; the description of the procedure to be used, just like in current law; accurate information about the fetus; availability of medical benefits for the woman during and after the pregnancy; the woman's right to see the ultrasound if one is taken and she asks to see it; and the father's liability for that support. It would seem to me, Mr. President, that we could gain far more support for L.D. 760 if we could whittle this proposed language down to just the woman's right to see the ultrasound if one is taken. I'd love to see this motion defeated so we could bring about an amendment to do just that, so that a woman would have the right to see the ultrasound. That and only that. 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, I rise in opposition also to the pending motion. This bill today before you, and a couple to follow it, from my perspective, are three of the most important bills that have come before this Body in this session. I'm ashamed to admit that I have done very little of the needed preparation to present them to you today, even in the posture that they are in. I've seen bills, a couple of them of which I'm deeply involved in, that have been worked since the day we got here in January, right up and through, including today, and will continue until they receive some type of determination from this Body and the other Body, but not these bills. Again, I'm sorry that that's the case. I really am and I feel very remiss because these are of such extreme importance. These deal with a mother's rights and also some rights of the unborn. I put these in the category of more important than energy bills, budgets, cameras, cell phones, and on I could go. You just had an explanation, a very good explanation, of what this bill entails. I think it's important to know the amount of lobbying that goes into these types of bills to keep them from being prominent, keep them from being higher on your radar. I've seen that effort in the committee that these bills were vetted in. To me, the rhetoric this presented blocks out the opportunity to have rational discussions and use common sense to apply to what is being proposed. It seems so that any time that you try to talk about anything that has to do with abortion all the forces come out to combat any discussion that is rational. I witnessed this in the

committee and I've witnessed this in times past when we've had similar legislation. I understand there is money to be made. Just an example, last year Planned Parenthood received over \$7 million between state and federal money in this state as a result of our present abortion laws.

This is about information. This is simply about information that a mother is deserving to have. An example of the information that is consistent with what's being asked for here is required, and if I may, from informed consent. Maine's present law regarding breast cancer treatment, we don't consider that a burdensome thing. Maine law requires that physicians administering treatment to inform patients, and must do so orally and in writing, about alternative procedures or treatments and the advantages and disadvantages. That's a good thing. It certainly would be a good thing if it was my daughter or my wife or me, if I was receiving some other type of treatment. That's what this bill is proposing. I agree with the previous speaker, even if the expectant mother was allowed to see the ultrasound, and that was canonized in our statutes, I think that would be a really great thing. You might say, "Well, they already have that right." Well, maybe they do, maybe that's presumed, but there are cases where that has been denied. I have in front of me the testimony of a 24 year old woman who went in for her examination, getting ready for the abortion, and she asked to see the ultrasound. She was denied that opportunity. This is testimony that was presented to the committee. She was denied the opportunity to see her ultrasound until she had made up her mind. Until she had made up her mind. Wouldn't you, ladies and gentlemen, want to have that information to help you make up your mind? I certainly would. I don't think that's unreasonable. I don't think it's a stretch. I don't think it's sensational. I think it's just reasonable information that the person should be allowed to have.

I find it very interesting that the elements of this bill were polled by a Gallup poll recently in this country. Over 89% of the people polled supported the context of this bill in its entirety, not just the one aspect of the ultrasound but this bill in its entirety. It's all about information. What could be wrong with providing information? It was a very difficult hearing to sit through, as you can imagine, just like all of you in your committees have some easy ones and some difficult ones, to listen to the testimony on both sides. After long, long drawn out testimony and a lot of very poignant stories, there were two very, very poignant stories that I was left with that, to me, summed the entire process up as to what was missing in the equation. We heard from two different mothers, two different mothers on opposite sides of this issue, both of whom had experienced an unexpected pregnancy in their early years. They had to go through that terrible process of deciding what to do, whether or not to terminate the pregnancy or whether or not to continue with the pregnancy. As I said, both of these Moms were on opposite sides of the spectrum. Both made the decision to continue the pregnancy. Both have daughters, one of whom was present in our committee. That sums it all up for me, ladies and gentlemen. I don't know what kind of information was made available to them, but obviously they felt they had enough information provided to them to make that decision. They did so and they both have wonderful, beautiful daughters.

I would ask you to please put preconceived notions aside. Give this its due consideration. Help us to defeat this motion and to go and at least provide women the opportunity not to be denied to see an ultrasound of their child that they are expecting when they request it. Thank you very much, Mr. President.

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 Off Record Remarks
 

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**THE PRESIDENT:** The Chair would advise to all members, and I know we've had long days and will continue to have long days, we must, please, stay on the contents of what bill is in front of us and not be talking about amendments and anything in those amendments that are not in front of us. What we have in front of us is a bill. If we defeat the bill or accept the bill, we can get onto amendments. Let's please stay on the bill that is in front of us. The Chair recognizes the Senator from York, Senator Valentino.

Senator **VALENTINO:** Thank you very much Mr. President. Members of the Senate, I rise before you today to ask you to support the motion on the floor for Ought Not to Pass. I certainly respect and understand that we are deeply divided on this issue. I am only going to try to deal with the facts on this and I also will respect the fact that we have children here and that I hope everybody else will respect that also and tailor their comments appropriately for all the discussions that we are having here today.

As the good Senator from Oxford, Senator Hamper, said, Maine law already requires informed consent for every medical procedure, including abortion, so that a woman can decide what's best to protect her own health and well-being. As the good Senator said, he read through what we currently have in statute now. As you can see, we already provide for informed consent. What this bill intends to do is to add additional provisions which the majority of the Judiciary Committee felt went too far. As far when he said accurate information about the fetus, he left out one word. That was scientifically accurate information about the fetus. Also they are talking about the father's ability to support and the availability of medical benefits. These are doctors. They are not attorneys. They are not social workers. They are not scientists. It went too far. L.D. 760 is government scripting of the doctor-patient conversation. By its scripting, it has the effect of coercing and shaming women. Doctors, not politicians, should decide what each patient needs to hear. We talk a lot about the Constitution and constitutional rights. Every woman has a constitutional right to make a personal decision about what is best for her in consultation with her family, her doctor, her faith, and free from government interference.

I also have a letter here from the Maine Center for Disease Control and Prevention. In addition to the statutes that we currently have in place, informed consent, I'm reading from their letter, is provided as a communication between the patient and physician for any procedure, taking into consideration their individual needs. The Maine Board of Licensure in Medicine, to license and set standards of practice for physicians and surgeons practicing in Maine, has definitions for informed consent. Informed consent for treatment has been obtained when, number one, the physician has disclosed and explained to the patient's satisfaction the process used to arrive at the medically reasonable and recommended intervention, which is based on reliable evidence of expected benefit and risk of each alternative and which is free of any bias. Number two, the patient, who has demonstrated capacity, has been given ample opportunity to ask questions about the process and recommended interventions to

the extent the patient wishes. All questions having been answered to the patient's satisfaction. Number three, the patient gives consent in writing to major interventions agreed to jointly with the physician. Not only do we have informed consent in law, we have the definitions of informed consent through the Maine Board of Licensure in Medicine where all of these physicians are licensed and if they go against this there would be ramifications.

I just want to say we had exhaustive testimony on this. We heard from many many doctors. We had been sitting there all day. I'm only going to quote from a couple of the physicians. One was from a psychiatrist in Portland who does treat women that have gone through this procedure. She is saying that the three tenants of informed consent are that the patient must have the capacity, the consent must be voluntary, and the patient must be provided with the information. L.D. 760 is not necessary because of our legal and ethical tradition of making informed consent already required by the doctor. L.D. 760 contradicts the principle of informed consent by introducing elements of bias and coercion into the process. It would be unethical for any physician to use the informed consent process to attempt to coerce a patient to take a particular course of action based on the physician's own beliefs or the political beliefs of anyone else, including the government. Another doctor wrote, "This goes completely against the respect for the patient, which is a core principle of medicine. The provider working with the patient has an obligation to provide the best professional judgment as to what information is relevant to each individual patient's case. This is done by addressing the patient's concerns, not the government's concerns." I ask you to follow my light and oppose this bill. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, 1973 was the year that Roe vs Wade was decided in the Supreme Court. Mr. President, I think there are only just a few of us in the Chamber who can say that they were alive after 1973 but weren't born before it, including you and me and the Senators from Penobscot, Senator Cain and Sagadahoc, Senator Goodall. We've only known legalized abortion. With the ruling of Roe vs Wade, we were promised that abortion would be legal, safe, and rare. Abortion is, indeed, legal and, in fact, in every state. There are some states that require doctors to perform abortions. Many require abortions to be performed before viability. Some have waiting periods. The list goes on and on. However, this legality does not exist void of consumer protection. All of these consumer protections have been deemed legal and constitutional by our Supreme Court. Safe, one could argue that abortion is safer than it used to be. To be honest, in this day and age, with all the lobbying that goes on with this issue and with medical advances, you would think that it is a minor procedure and totally safe. Simple outpatient procedure. We need only to look at the recent Gosnell case in Pennsylvania to know that, in this man's house of horrors, legalized abortion does not guarantee safety. Common sense consumer protections must be in place, even in the era of legalized abortion. I would contend that abortion is not rare. Fifty-four million abortions have been performed in the United States since Roe vs Wade. In Maine we see about 2,000 every year. Americans are split on this issue, as the Senator from Washington indicated, about 45% call themselves Pro Choice and 48% call themselves Pro Life. The

bill before you would strengthen the informed consent law and it lists a bunch of different things in the bill, Mr. President. Maine has a lot of informed consent laws on a lot of different things. The Senator from Washington mentioned breast cancer. I would contend that women deserve the right to know about the decision they are making and have this bill in place when they are talking to their doctor.

The Senator from Washington, Mr. President, also mentioned a woman that appeared before the Judiciary Committee about this issue. I'd just like to read a little bit from her testimony. She found out she was pregnant. Had to come home from school. She was going to school in North Carolina. She said, "When I was called into the examination room I laid on the table thinking, 'Maybe there has been a mistake. Maybe I'm not even pregnant.'" The nurse came in with the ultrasound machine and went over what she would be doing; first confirming the pregnancy and then determining the size. It quickly became obvious that there was to be no discussion at all, let alone about options. I noticed the screen was not facing me. As the image came on the screen she stated, 'I see the pregnancy.' 'Well, what exactly does that mean?' I thought. I asked to see what she was looking at but she told me until my mind was made up I was not allowed to see. Not allowed. I thought it was my body and my choice. As the picture printed the nurse faced it down on her clipboard. The entire time there was not even an utterance of the word baby or fetus. She confirmed it was seven weeks old. Told me I had limited time to make a decision. Handed me a slip of paper and I was dismissed. I felt utterly blank as I left the clinic." Mr. President, I would suggest that that ultrasound should have been provided to her at the moment she asked for it.

This bill is simply about the right to know. We, in this Body, have submitted many bills about many things this session asking for the right to know; GMO labeling, cell phones, vaccinations, among other things. Will we extend the right to know to abortion? I hope we do. The Senator from York, Senator Valentino, who I have incredible respect for and she is known in this Body as a very judicious woman who really thinks about an issue before she decides on it and I respect that, mentioned in her testimony just a few minutes ago that this decision is a personal decision that's best for the doctor to make along with their patient. Mr. President, I would suggest that the best way to make a decision, to make an informed one, is with the proper documentation in front of you. An ultrasound is part of that decision making process. That's the part of the bill that I am most interested in. Mr. President, I would just ask that everybody look at this bill on its merits. I accept our differences of opinion and, as the Senator from York mentioned, we're all deeply divided on this subject and we have to have a healthy respect for everybody's opinions and to vote your conscience on this bill. I will just quote one final piece from this testimony that I have in front of me. She said at the end of her testimony, and I would echo her sentiment, "I'm not here because I want you to believe in one view or the other. I am here because I want you to believe in informed decisions." Thank you, Mr. President, for the time.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I rise in support of the pending motion, Ought Not to Pass, on this bill. I also rise to correct something that was stated earlier in this debate. It's very important to understand that we're

having this debate on a variety of levels; policy, political, personal. We've got to stick to the facts. The fact is that State dollars that go to Planned Parenthood or any other organization are not used to fund abortions. That is a fact. For the record, Mr. President, I felt it was important to make sure that that was completely clear. Thank you, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today in support of this motion. This is one of the most challenging issues that we face every session. These bills come up every year. It's one that, yes, the country at times is divided on. Yes, there are differences of opinion. I often fall back and think about what I want to make sure happens in the future if my daughter is in that situation, if anyone else's daughter is in that situation, or if any woman is in that situation. Who am I, sitting in this chair, to be opening up a situation where we, as a government, could be opening a door to that bias that could be potentially put into that doctor's room? The bias that was outlined by people that testified, experts in this area. Who are we, sitting in these chairs as policy makers, to be putting ourselves, in essence, in between the patient? Who are we to make an assumption that that woman, at probably one of the most trying decisions of her lifetime, hasn't thought through all the consequences, hasn't done all the research, and hasn't grappled with this decision for hours or for days? Men and women of the Senate, this is not our role as government. Written informed consent already occurs. These decisions are the most trying decisions in women's lives. They are not done hastily. By opening this door, by putting policy into this decision, or to interject politics or philosophical views, doctors do not want this. Patients do not want this. They make decisions. I would encourage all of us to support the pending motion.

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

Senator **BURNS:** Thank you Mr. President. I appreciate the opportunity to speak again on this issue. I am going to respond to a couple of things that were just alleged. First of all, the Legislature has a responsibility of bringing parameters on many aspects of our lives. That's what we're here for. That's why we were elected. That's why people send us here to Augusta, to enact laws and all those laws affect us, impact us, one way or another; good, bad, or indifferent. That's our job. To shrink away from that, as far as I'm concerned, is a malfeasance of office. That's our responsibility. We talk about bias. I sat through all these hearings. I heard lots of bias from physicians who had a bias. I heard biases on both sides. I heard physicians who were against this and physicians who were supportive of this. Bias is there. It doesn't matter whether you are in a doctor's office or whether you are in some other office. Frankly, if you want to talk about bias, ladies and gentlemen, when you are in a clinic, and the clinic only makes money when they perform the procedure, there is bias involved in that process. All I am asking for is as much information as possible so that the difficult decision could be made before it's too late. Thank you, Mr. President.

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

Senator **JOHNSON**: Thank you Mr. President. Ladies and gentlemen, there were a couple of things said here I feel I need to speak to. I am not a physician, but I rather resent the idea that because hospitals, for instance, perform surgeries because dental offices drill teeth, that what I'm going to get when I go into that office is an outcome bias towards performing a procedure that's going to mean more money for that. I'm trusting that, under their oath, doctors are acting in the best interest of the patient. I don't think we really have any other choice but to ask them to do that and expect and trust them to do that. Frankly, if we don't like what a doctor is telling us we consult another doctor, we don't go to the Legislature. I have two daughters. I have three grandchildren. I am wholly in support of life. I'm in support of life in all its stages; after birth in particular, in which we don't seem to pay enough attention to the needs of people. The level of food insecurity in this state is appalling. The lack of proper attention to early childhood development likewise. I know that if my daughters were facing such a choice I would want them to be facing it with their physician, with conformed consent that did not have inserted bias. I would, of course, want them to consult me, but it is their choice. I would never want to change that. I have heard from a number of people in my district on this issue who were here when Roe v Wade was enacted. They called themselves "Grandmothers for Reproductive Rights" or "GRR", because I think they are rather fed up that we are, once again, trying to insert legislators between doctors and patients. I urge you to support the pending motion.

**THE PRESIDENT**: The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON**: Thank you Mr. President. I just rise to say one more thing. By leaving the ambiguity in law that someone, the doctor, has the latitude to not show an ultrasound you are, effectively, putting yourself in between the decision. We just heard from people, we don't want to be legislating this kind of stuff from this Chamber or from the other, from this State House.

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

Senator **JOHNSON**: Thank you Mr. President. Point of order. I believe we do not have a question of whether to show an ultrasound before us, the matter we're considering.

**THE PRESIDENT**: The Chair would, once again, remind the members that we are not talking about any amendments. We're talking about the bill in front of us and the contents within the bill. The member may continue.

Senator **MASON**: Thank you Mr. President. I'd just like to quote Section I of the bill before us. "The woman's undeniable right to see an ultrasound if an ultrasound was taken and the woman's request to see it." I would suggest my comments are in order. I would just finally point out that we are making a decision. We are putting ourselves there. We can either put ourselves in between the decision by not allowing this to happen or we can pass this and take ourselves out of it and give them the information. Thank you, Mr. President.

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

Senator **VALENTINO**: Thank you very much Mr. President. Members of the Senate, I just want to rise to talk about a few issues that have come up. One of them, I certainly understand some people saying that we've lived in a society where abortion is legal and safe. I would like to turn your attention, maybe, to the four women in this Senate who did not grow up in a society where abortions were safe and legal. Maybe some of you who are younger and not born in 1973 or some of you who are younger. Maybe some of you who were just oblivious to the fact. If you talk to, I think, one of the four of us, who were in high school before Roe vs Wade and after Roe vs Wade, it was as if a door opened and light came in. I cannot tell you the difference this made in our high schools with my friends. I remember the women, the young girls, having to go to Biddeford to have their babies. The talk and the scandal. I remember them going to New York. I remember one of my good friends going to New York and coming back to school and being out for two weeks when she had it done and the talk and the scandal. I remember all of this from high school. All of the girls. Every name. Every face. Every one that went away and gave her baby away. Every one that went away and had an abortion. Everybody knew. We all knew. It wasn't safe. It wasn't private. It wasn't dignified. Please don't tell me that we all grew up in an era where this was safe and legal. We didn't and we know what it was like.

As far as having to tell women all of this, I think of one woman who testified, and I also think of my sister who had two utopic pregnancies. My sister cannot watch the commercials on TV for the humane society with the dogs that they show. She literally cries because she is such a compassionate person. If somebody had to shove in her face the procedures when she needed a DNC for those, she couldn't have taken it. I know she couldn't have. To say, "Look, I'm going to describe to you exactly what I am going to do now. I am going to show you pictures." That wasn't right. She was sick. She was in the hospital. She needed this done. I'm not saying to shove anything in anybody's face. We have informed consent. We have that right now. We have enough in statute. We have it under licensing laws for the physicians. We have knowledge. I agree. That one woman came into our committee and she testified that she asked to see it and was told no. There were over 1,700 abortions in the state of Maine last year. We had one that came and said she was denied. I don't doubt her, but I wasn't there. I don't know if she demanded it or if she asked it and somebody said, "You're probably better off not to see it," or how strong or assertive she was. I don't know. I do know she came and she testified and she felt that she wasn't given the consideration, so I have to acknowledge that and validate her feelings. I also know that that was one that we heard. I urge you not to change this law. Thank you very much.

**THE PRESIDENT**: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator  **CRAVEN**: Thank you Mr. President. I just wanted to comment on something that I noticed. I've been noticing it for a long time because I'm not any spring chicken. In this Body we have all males standing to make decisions about women's bodies and about women's health. It's very interesting that they would assume we don't have the ability to make our own decisions

about our own bodies and our own families. I am very disturbed about that. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. I want to clear up any confusion. Each one of the individuals in this Chamber were elected by the people that we represent to come here and make informed decisions about the issues that stand before the Body, whether they are male or female. Ladies and gentlemen of the Senate, I don't want anybody in this Chamber to be confused by what we're looking at in this bill. It has been suggested earlier that somehow this forces an individual to look at some sort of ultrasound. I don't believe that's the case. I believe what this bill does is make that available to a patient. Available to this young lady. Whether you are male or female, I would think that would be something that you would want to make sure that your daughter would have available to her. I know I have two young daughters. If they were in this situation I would certainly want them to be able to make that request and be assured that they would have that information made available to them. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Valentino to Accept the Majority Ought Not to Pass Report, in Concurrence. 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 (#270)**

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, JACKSON, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **VALENTINO** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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Senate at Ease.

Senate called to order by the President.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Allow a Wrongful Death Cause of Action for the Death of an Unborn Child"

H.P. 837 L.D. 1193

Reported that the same **Ought Not to Pass**.

Signed:

Senator:  
VALENTINO of York

Representatives:  
PRIEST of Brunswick  
DeCHANT of Bath  
MONAGHAN-DERRIG of Cape Elizabeth  
MOONEN of Portland  
MORIARTY of Cumberland  
VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-447)**.

Signed:

Senators:  
BURNS of Washington  
TUTTLE of York

Representatives:  
BEAULIEU of Auburn  
CROCKETT of Bethel  
GUERIN of Glenburn  
PEAVEY HASKELL of Milford

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **VALENTINO** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons"

H.P. 956 L.D. 1339

Reported that the same **Ought Not to Pass**.

Signed:

Senator:  
VALENTINO of York

Representatives:  
PRIEST of Brunswick  
BEAULIEU of Auburn  
DeCHANT of Bath  
MONAGHAN-DERRIG of Cape Elizabeth  
MOONEN of Portland  
MORIARTY of Cumberland  
VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-448)**.

Signed:

Senators:  
BURNS of Washington  
TUTTLE of York

Representatives:  
CROCKETT of Bethel  
GUERIN of Glenburn  
PEAVEY HASKELL of Milford

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **VALENTINO** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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The President requested the Sergeant-At-Arms escort the Senator from Sagadahoc, Senator **GOODALL** to the rostrum where he assumed the duties as President Pro Tem.

The President retired from the Chamber.

The Senate called to order by President Pro Tem **SETH A. GOODALL** of Sagadahoc County.

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### Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Require Labeling of Genetically Engineered Marine Organisms"

H.P. 621 L.D. 898

Reported that the same **Ought Not to Pass**.

Signed:

Senators:  
MAZUREK of Knox  
WOODBURY of Cumberland

Representatives:  
DEVIN of Newcastle  
DOAK of Columbia Falls  
PARRY of Arundel  
SAXTON of Harpswell  
WEAVER of York  
WINCHENBACH of Waldoboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-443)**.

Signed:

Senator:  
JOHNSON of Lincoln

Representatives:  
KUMIEGA of Deer Isle  
CHAPMAN of Brooksville  
DICKERSON of Rockland  
KRUGER of Thomaston

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443) AS AMENDED BY HOUSE AMENDMENT "A" (H-466)** thereto.

Reports **READ**.

Senator **JOHNSON** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senator **JOHNSON:** Thank you Mr. President. This is obviously a bill of great importance to me. I believe strongly, and I think you by now, in the importance of state asserting the state's interest in protecting consumers' right to know to make informed decisions and manage the risks inherent in genetically engineered foods. However, we, as a committee, discussed this quite a bit. The reason for this divided report is, I would say, largely because we felt it was premature in that the genetically engineered salmon discussions, or for that matter any other genetically engineered marine organisms, are not yet approved. They do not yet exist in the market and do not yet have any test data, laboratory animals or otherwise, to assert whether there is that inherent risk. Obviously all of us have the right to opinions regarding that, but in terms of making the argument for the importance, in particular, of the state's interest regarding the constitutionality, it would appear to be premature when it comes to this matter. I am happy to say that, because of the action of this Body and the other Body and I would hope soon final passage as well, that should something

come to market of this nature it would be labeled for people under the action we took on another bill. With that in mind, letting you know I feel very strongly about this, the bill isn't quite the right timing to deal with this matter and we have dealt with it elsewhere. That really sums up why, as a committee, the majority of people feel on the Ought Not to Pass side. Thank you.

On motion by Senator **JOHNSON** of Lincoln, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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**ENACTORS**

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

**Emergency Measure**

An Act To Ensure the Integrity of Neuropsychological and Psychological Testing Materials and Data  
H.P. 820 L.D. 1155  
(C "A" H-442)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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**Emergency Measure**

An Act Regarding the Board of Trustees of the Maine Public Broadcasting Corporation  
S.P. 592 L.D. 1551  
(C "A" S-263)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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**Emergency Resolve**

Resolve, Directing the Department of Health and Human Services To Reduce and Limit the Adult Developmental Services Waiting Lists by Implementing a More Efficient, Responsive and Individualized Model of Service Delivery

H.P. 683 L.D. 969  
(C "A" H-431)

On motion by Senator **CAIN** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in concurrence.

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**Mandate**

An Act To Reduce Obesity among Schoolchildren  
S.P. 397 L.D. 1160  
(CC "A" S-255)

Comes From the House, **FAILED ENACTMENT**.

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 26 Members of the Senate, with 7 Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President Pro Tem, in **NON-CONCURRENCE**.

Sent down for concurrence.

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**Acts**

An Act To Protect Landlords When Tenants Fail To Pay Utility Bills  
H.P. 176 L.D. 215  
(C "A" H-457)

An Act To Inform Persons of the Options for the Treatment of Lyme Disease  
H.P. 416 L.D. 597  
(H "C" H-453 to C "A" H-184)

An Act To Assist Small Distilleries That Also Have Off-premises Retail Licenses  
H.P. 427 L.D. 608  
(C "A" H-416)

An Act To Prohibit Sale or Possession of Synthetic Cannabinoids  
H.P. 453 L.D. 661  
(C "A" H-422)

An Act To Increase Transparency and Improve Equity in Appeals to Superintendents' Agreements  
H.P. 542 L.D. 791  
(C "A" H-414)

An Act To Require Notice to and Input from Municipalities in Which Certain Group Homes Are Located  
H.P. 556 L.D. 805



An Act To Update the Laws Relating to the Tri-state Lotto and the Payment of Prizes to Minors

H.P. 662 L.D. 938  
(C "A" H-429)

An Act To Create a Gambling Offset To Enhance the Collection of Child Support

H.P. 696 L.D. 982  
(C "A" H-449)

An Act To Strengthen the Fishing Laws

H.P. 835 L.D. 1191  
(C "A" H-433)

An Act To Amend the Appointment Process for the Maine Charter School Commission

H.P. 967 L.D. 1349  
(C "A" H-454)

An Act To Establish a Resource and Development Coordinating Council

S.P. 513 L.D. 1427

An Act To Amend the Laws Regarding Licensure of Physicians and Physician Assistants

H.P. 1026 L.D. 1437  
(C "A" H-424)

An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, Statutory Post-conviction Review, the Maine Criminal Code and a Related Statute

H.P. 1032 L.D. 1438  
(C "A" H-456)

An Act To Amend the Laws Governing Decision-making Authority Regarding Energy Infrastructure Corridors

H.P. 1090 L.D. 1517  
(C "A" H-459)

An Act To Maintain Competition among Electricity Suppliers Serving Northern Maine

S.P. 595 L.D. 1553

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

Ordered sent down forthwith.

An Act To Amend the Laws Governing Virtual Public Charter Schools

H.P. 331 L.D. 481  
(C "A" H-437)

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

An Act To Promote Industrial Hemp

H.P. 344 L.D. 525  
(C "A" H-406)

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

An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food

H.P. 490 L.D. 718  
(H "B" H-444 to C "A" H-393)

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

An Act To Require Prevailing Wages To Be Paid on Public Works Projects Receiving State Funding

H.P. 815 L.D. 1150  
(C "A" H-418)

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

An Act Regarding School Administrator Effectiveness

S.P. 469 L.D. 1350  
(C "A" S-258)

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

An Act To Increase International Cross-border Partnerships To Benefit Maine's Economy

H.P. 1122 L.D. 1554

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

An Act To Increase Access to Health Coverage and Qualify Maine for Federal Funding

H.P. 759 L.D. 1066  
(S "A" S-221 to C "A" H-286)

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

\_\_\_\_\_  
An Act To Amend the Mandatory Shoreland Zoning Laws  
S.P. 555 L.D. 1490  
(C "A" S-211)

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

\_\_\_\_\_  
Senate at Ease.

Senate called to order by President Pro Tem  
**SETH A. GOODALL** of Sagadahoc County.

\_\_\_\_\_  
**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 (6/11/13) matter:

HOUSE REPORT - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase Ethics and Transparency in Government Service"  
H.P. 610 L.D. 859

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-423)**

Tabled - June 11, 2013, by Senator **JACKSON** of Aroostook

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, June 10, 2013, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-423)**.)

(In Senate, June 11, 2013, Report **READ**.)

Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-423) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/12/13) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement Managed Care in the MaineCare Program"

S.P. 552 L.D. 1487

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-217)** (1 member)

Tabled - June 12, 2013, by Senator **KATZ** of Kennebec

Pending - motion by Senator **GOODALL** of Sagadahoc to **INSIST**

(In Senate, June 11, 2013, Reports **READ**. On motion by Senator **CRAVEN** of Androscoggin, the Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

(In House, June 12, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In Senate, June 12, 2013, on motion by Senator **GOODALL** of Sagadahoc, **INSISTED**. On motion by Senator **KATZ** of Kennebec, **RECONSIDERED**.)

On motion by Senator **GOODALL** of Sagadahoc, the Senate **INSISTED**.

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

\_\_\_\_\_  
Off Record Remarks

\_\_\_\_\_  
Senator **JACKSON** of Aroostook was granted unanimous consent to address the Senate off the Record.

\_\_\_\_\_  
Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate off the Record.

\_\_\_\_\_  
Senator **CUSHING** of Penobscot was granted unanimous consent to address the Senate off the Record.

\_\_\_\_\_  
Senator **KATZ** of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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**RECESSED** until 3:00 in the afternoon.

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:

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects" H.P. 922 L.D. 1295

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-417)** (7 members)

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

Tabled - June 13, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **FURTHER CONSIDERATION**

(In House, June 11, 2013, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)**.)

(In Senate, June 12, 2013, Reports **READ**. Motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**. Subsequently, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.)

(In House, June 12, 2013, that Body **INSISTED**.)

(In Senate, June 13, 2013, motion by Senator **GOODALL** of Sagadahoc to **RECEDE** and **CONCUR, FAILED**.)

Senator **GOODALL** of Sagadahoc moved the Senate **INSIST**.

On motion by Senator **KATZ** of Kennebec, 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 (#271)**

YEAS: Senators: **BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFOSKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND**

NAYS: Senators: **JOHNSON, PATRICK**

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to **INSIST, PREVAILED**.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Allow a Wrongful Death Cause of Action for the Death of an Unborn Child" H.P. 837 L.D. 1193

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-447)** (6 members)

Tabled - June 13, 2013, by Senator **VALENTINO** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, June 12, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 13, 2013, Reports **READ**.)

On motion by Senator **KATZ** of Kennebec, 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 Washington, Senator **BURNS**.

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to just very briefly speak on this issue. I think it's a very simple issue. It's an issue that we dealt with, as you know, in Judiciary. I want to speak in opposition to the Majority Report. This bill simply provides for a cause of action, a cause of legal action, for the wrongful death of an unborn viable fetus. It is my understand the amounts of months that seem to be the consensus there was 24 weeks as far as the viable fetus is concerned. This is something that Maine is an outlier on already. We are the only state in New England that doesn't allow this for an expectant mother that gets into a situation where the loss of their unborn fetus occurs. It excludes

any action by the mother, any action by a care practitioner, or someone performing an abortion as long as it's a voluntary and legal abortion, or any healthcare provider who did not know that the expectant mother was expecting. It takes into considerations all of things that people should be concerned about. As I said, it would bring Maine into compliance with the rest of the states. All of the New England states. There are only ten states in the nation that don't provide for this. All the rest of the states, in one form or another, do provide for this. I believe there are others that are going to speak on this issue after me, but I think it's very important for us to consider this. If we want to truly protect a mother who is expecting a child or an unborn fetus to have some type of civil action after the loss of that expected child or unborn fetus in court than this would allow them to do so because of having the ability to have companionship with that child taken away from them against their will. I would hope that you would strongly consider this. This is for expectant mothers. It's something that we need to provide for them. We're not doing it now and, again, we are an outlier. Thank you very much.

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

Senator **VALENTINO:** Thank you very much Mr. President. Members of the Senate, I want to call your attention to the title, "An Act to Allow Wrongful Death Cause of Action for the Death of an Unborn Child." The title seems very simple and a lot of people did sign onto this bill. I have a letter here from somebody who read the title of the bill and then sent a letter to the Judiciary Committee, one of the Representatives of the other Body, and in that she said, "Although I signed on as a co-sponsor, I did not realize at the time the ramifications of this bill. Thus I oppose L.D. 1193." This is one of the co-sponsors of the bill. I ask you not to be taken in by the title of the bill. Maine is not an outlier. Ten other states follow Maine. This is not a simple bill. This is not just having a cause of action. This actually defines the definition of an unborn viable fetus as a fetus that has reached the twelfth week of gestation or beyond. It actually puts a definition into law of when a fetus is viable. This is a huge step in this bill. L.D. 1193 is unnecessary. Fortunately, Maine already provides criminal and civil remedies under the law for harm to a pregnant woman causing damage or loss of her pregnancy.

In 2005 a broad coalition of many groups joined together in advocating for the successful passage of our state's Motherhood Protection Act. The Motherhood Protection Act requires judges, when determining sentences for perpetrators, to assign special weight to the fact that the victim is a woman that the convicted person knew or had reasonable cause to believe to be in fact pregnant at the time the crime was committed. At that same time as the Motherhood Protection Act the Legislature also created the crime of elevated aggravated assault on a pregnant woman. This Class A crime is punishable by up to 40 years in prison and is defined as intentionally or knowingly causing serious bodily injury to a person that person knows, or has reason to know, to be pregnant. Serious bodily injury also includes injury to the fetus or termination of the pregnancy. L.D. 1193 would convey some rights of personhood to the fetus as a distinct legal entity from the mother. It would create potential unintended consequences to doctors, nurses, and potentially to mothers.

Why should we reject this bill? The bill threatens the anonymity of pregnant women and undermines the legal protections established in Roe vs Wade by seeking to convey certain rights to

the fetus as a separate legal entity from the mother. The bill opens the door to protracted litigation against any healthcare provider who treats a woman the provider knows, or reasonably should know, is pregnant. This could have significant effects on prenatal care providers and other healthcare providers across Maine. Even the Maine Association of Insurance Companies is quoted in testimony as saying, "If adopted, the bill would alter 193 years of Maine law as to the interpretation of who may recover for injuries. We further believe that dramatically altering the wrongful death statute in place since 1891 is inappropriate. We do not believe this matter should be legislated through the wrongful death statutes."

I'm not an attorney, so I'd like to read to you from an attorney who handles a lot of these cases. He spoke before the Judiciary Committee. His name is Sheldon Tepler, Esq. He is a senior partner at Hardy, Wolf, and Downing. I'm quoting from his testimony. His testimony says, "Today if a pregnant woman is involved in a motor vehicle accident or suffers a personal injury as a result of another and thereby loses a child she is entitled to recovery. The recovery would be very significant. She is entitled to recover any loss wages that resulted. She is entitled to recover for any medical bills generated. She is entitled to recover for pain and suffering and loss of enjoyment of life. L.D. 1193 creates a cause of action for the estate of the fetus. That means that the unborn child has its own action. That means that the heirs to the estate of the fetus can recover above and beyond what has been described as above." He states that if he had one of these cases he would retain an economist to show what the unborn child would have earned during the course of a lifetime. He says you would be creating a cause of action worth millions upon millions of dollars in addition to what the mother could recover today. He also gives us a hypothetical situation which may make it clearer for some people. Hypothetically, the unintended consequences are enormous. Let me give you an example. Assume the pregnant mother runs a red light or is even driving drunk. Assume she collides with a truck. Assume that she goes to an attorney to see what she can recover for the loss of the child. An aggressive attorney would hire an accident reconstructionist to determine whether the truck was going one or two miles above the speed limit. If that truck was going 36 in a 35 there would be a cause of action. While this would be a weak case because of the exposure of a multi-million dollar law suit, the truck company, or the driver, would probably settle for a fraction of the value of the case, \$500,000 to \$1 million. I'm not sure if the Legislature wants to create these kinds of actions. He states, in summary, that mothers already can be compensated for egregious loss. You are creating a cause of action with significant consequences and this will have ramifications in many other areas of laws, most notably Workers' Compensation. He states this bill is an abortion bill intended to undermine reproductive rights.

I urge you not to pass this bill. Thank you.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I just rise to talk just briefly about the laws that exist and how I understand the law would be changed were this bill to be passed. Currently, under the wrongful death law, Jane Smith, married to Sam Smith, and Jane is driving and is struck by a car at an intersection, through no fault of her own. She is killed, leaving no children. Sam, her surviving husband, presumably

would be the personal representative or the executor of the estate to bring an action against the wrong doer and recover for Jane's medical bills, hospital bills, her conscience pain and suffering, and also the loss to her surviving family, which in this case would be the husband, for the loss of care, companionship, and comfort. It's called loss of consortium in the law. It's really what's important. It's the loss of your loved one. Those damages, by Maine statutes, are limited to \$500,000. That is for the loss of care, companionship, and society it's called. It is capped at \$500,000. As I understand the current bill, let me give you a different fact scenario now. Jane Smith, also married to Sam Smith, and she, once again, is struck in an automobile accident at an intersection through no fault of her own. She is 30 or 35 week pregnant and the viability of the fetus is ended in the automobile collision. In addition to the damages which Jane might be able to recover for her own medical bills, hospital bills, lost wages, and the like, the estate would be able to recover up to \$500,000, which could be payable to the parents in this case, for the loss of a child.

I understand that these issues are very highly charged and looked at very suspiciously. How is this going to impact Roe vs Wade? How is this not going to affect Roe vs Wade? I, frankly, see very little impact on this. I see it, though, creating a cause of action for grieving parents who have now lost what they were looking forward to in their life more than anything else, and that is the birth of a child. That's, in my view, Mr. President, all it is. Thank you.

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

Senator **WHITTEMORE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to this motion. I'd like to address something that was mentioned earlier in regards to the possibility of increased cost for insurance. I have here some testimony that was given in the committee from a Lincoln J. Merrill, Jr. who is President and CEO of Patriot Insurance Company. It is also co-signed by Cross Insurance, Downeast Insurance, Insurance Trust and Equinox, and Blackwell Insurance. He writes, "There is also a concern that if this bill becomes law it could increase the consumer's insurance rates. Any change would be negligible. For example, Patriot has added nothing into our rates for this exposure in New Hampshire and Vermont. I believe the number of claims is very small country-wide." He writes, "My personal reason for supporting this bill is that insurance companies such as mine are in the business of paying for the negligence of our policy holders. That means paying for damages to property and injury to people. I see the injury or death of an unborn child in a car accident to be negligible and is compensable as any other injury or death our policy holders cause. I believe we have the responsibility as an insurance company to pay for the negligence our policy holder caused to those loving parents who were waiting for the birth of their child." I just would like to make the point that this individual and those that co-signed this don't feel that it would have a large consequence in the cost of insurance. Thank you.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I, too, rise in opposition of the motion

and, since we're reading testimony, I'll read one from Dan Mitchell, who presented at the committee. He's a practicing attorney, shareholder in litigation practice group of Bernstein Shur. "Under current law if a pregnant woman was driving on the Interstate 95 in Kittery and had the misfortune to be the victim of an accident caused by a drunk driver that led to the loss of the woman's unborn viable fetus, she would have no compensable injury and no right to bring an action in our courts, the Maine courts. If that same drunk driver hit the same woman just a few miles south, in New Hampshire or just over the line in Massachusetts, or for that matter in any other New England state, the woman would be entitled to bring a wrongful death action and seek just compensation for her loss. There is no persuasive reason for Maine to remain out of step with the rest of New England." I add to that, it was said that Maine is leading. I question, is Maine leading or is Maine simply following here? Forty other states in the union have this provision. We're the only one in New England. I continue on, "If Massachusetts, Vermont, Connecticut, New Hampshire, and Rhode Island have managed successfully to integrate this cause of action into their civil justice systems than certainly we can do so as well. The bill was crafted carefully to avoid negative effects on the legal rights of pregnant women and their healthcare providers." Wouldn't we want the same level of justice as the rest of New England? This is a common sense bill on common ground. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, just to clarify. It is my understanding that a woman who has lost her pregnancy due to another's wrongful act or negligence is currently entitled to recover in civil court through tort law. Testimony from personal injury attorneys at the hearing on the bill indicated that parents would be able to recover for pain and suffering and loss of enjoyment of life related to the loss of the pregnancy. The difference with this bill would be the creation of a new separate plaintiff with the prospect of the calculation of lifetime loss of wages and resulting potentially very large dollar volumes in causes of action. Thank you, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I view Maine as a leader, a leader in women's health issues, and a leader in keeping our role limited in the patient-doctor relationship. This title may sound attractive to some, but I think it's misleading and misguided. There are already numerous ways for someone in a horrific accident, in a most challenging situation and a situation of one that we would wish upon no one, to recover. It currently exists in law. We've heard much testimony at the hearing. It was discussed greatly at work sessions. Many of those quotes were articulated here on the floor today. This will bring extreme protracted litigation. It will question the standard of care of medical professionals. It will do nothing to advance women's health issues. These are the most challenging discussions, often, that we have in this Body. Let's not be misled. Let's not take a step forward that really infringes upon those women's health issues that so many of us care so

deeply about. There are already ways to recover. There are ways to recover in court. In addition to that, even if you wanted to support this bill, we should not be putting this issue in probate court with elected judges. The structure of the bill is flawed, even if you agree with it. For me, I don't agree with it. Not only do I disagree with the concept, I disagree with the process that's being outlined here. Men and women of the Senate and Mr. President, I would encourage you to follow the Ought Not to Pass. There are plenty of remedies already in law. Most importantly, we shouldn't be doing something that will have an impact, without a doubt, on the patient-doctor relationship. We should let doctors do their jobs. We should allow those patients, in the most trying situation in anyone's life, to make the decision with their doctor and their families. Thank you, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen, I want to speak to a couple of things that have been mentioned here. Thank you again for the indulgence of allowing me to speak a second time. We've already heard from four attorneys with two diverse opinions from those four attorneys. That is expected. I understand that. I think my response would be that you are only going to be misled on this issue if you choose to, if you put blinders on. I don't think there is any intent here whatsoever to mislead. Certainly I haven't seen any attempt here. This is a clear attempt to give justice to women who have had a great great loss in their lives. To say that Maine is not an outlier, when we are one of only ten states in this country that don't provide for this protection, I just don't understand that logic. Yes, I'd like to see Maine be a leader. It looks to me like we're a follower. That concerns me greatly. As far as unintended consequences, read the bill. The bill excludes those persons, including the mother, from any unintended consequences. This isn't about abortion. This isn't about discussions between, and decisions between, a woman and her physician. This is about losing something that's extremely valuable to a family, an unborn child, and whether or not they should be civil remedies for that. This provides for that. It has absolutely nothing to do with the rights of the fetus. It's all about the rights of the mother. From my perspective, this Legislature and this Body has a choice to stand in the way of an expectant mother, and we all represent the same amount of people, from receiving equal justice for the loss of their unborn fetus. Thank you very much, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Valentino to Accept the Majority Ought Not to Pass Report, in concurrence. 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 (#272)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JOHNSON, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, PLUMMER, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, JACKSON, KATZ, MASON, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **VALENTINO** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons"  
H.P. 956 L.D. 1339

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-448)** (5 members)

Tabled - June 13, 2013, by Senator **VALENTINO** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, June 12, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 13, 2013, Reports **READ**.)

On motion by Senator **VALENTINO** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

(See action later today.)

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

An Act To Amend the Mandatory Shoreland Zoning Laws  
S.P. 555 L.D. 1490  
(C "A" S-211)

Tabled - June 13, 2013, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 6, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-211).**)

(In House, June 12, 2013, **PASSED TO BE ENACTED.**)

On motion by Senator **KATZ** of Kennebec, 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 (#273)**

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, 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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On motion by Senator **KATZ** of Kennebec, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report on:

An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons

H.P. 956 L.D. 1339

(In House, June 12, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, June 13, 2013, on motion by Senator **VALENTINO** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.)

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, as I said earlier this morning, these bills are too important to jump over and that's why I'm up here on my

feet again for the third time to talk about an extremely important bill that's in front of you. I would not support the Majority Ought Not to Pass. I would ask you to take a moment and simply read the summary on the bill, what it provides. It provides for parental consent before a minor can obtain an abortion. It provides for exceptions for when that's not appropriate, for a 21 year old sister or 21 year old brother to give that consent. When that's not appropriate, and there are indications of sexual abuse or mistreatment of the child or the child has demonstrated that they are appropriately informed and understands the situation that they are in, that a probate judge helps make that decision. It's a pretty simple, straightforward, bill. It gives parents some say in what happens to their minor child. I hear time and time and time again that we need to look out for the children, the minors. We don't want them in tanning beds. We don't want them drinking Red Bull. We don't want them doing all kinds of things. When it comes to allowing them to have an abortion, we pull out all the stops. Just as I said this morning, this subject seems to give rise to no reasonable discussion, no open mindedness, and a lack of applying common sense because of one word, abortion. When that word is used everybody's blinders go on. We're unwilling to discuss the issues, unwilling to see whether or not discussion and serious, serious consideration to the facts before us can bring benefit to women, to families, and to those who are involved in this loss of life. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you very much Mr. President. Members of the Senate, I rise today to urge you to vote in support of the motion on the floor. The reason the majority of the Judiciary Committee voted against it was that we felt L.D. 1339 was unnecessary. Maine already has an adult involvement law which has worked well for over 25 years. Most Maine teens do involve their parents, but current law allows a teen unable to involve the parent to be counseled by a trained license professional. L.D. 1339 could harm Maine's most vulnerable teens, including victims of physical or sexual abuse. Young women who choose not to involve their parents often have a very real concern for their safety, including fear of family violence or being forced to leave home.

I digress a little from my testimony only to say that when I came up here I think I came up in a bubble from the life that I lived back home and the friends that I have. Obviously, all of us would want our daughters to come to us. Serving eight years, nine years, in the House and the Senate, especially with two years on the Appropriations Committee, I really found that there are some really horrible people out there that don't treat their children the way I treat my children, that don't have that same level of trust, that same level of openness, and that don't have anybody. I really had blinders on when I came here. I guess I felt everybody was good, good parents, good people. I'm extremely concerned about something like this. I have learned that there is another horrible dark side that children have to put up with; that have horrible parents or relatives, or have nobody that they can really trust. I found that almost unfathomable to believe when I came up here because of my upbringing and my social circle of friends that I deal with.

I go back to my testimony only to say the Maine Coalition Against Sexual Assault says, "We believe that the current law addresses the issue of parental involvement without putting

victims or survivors of sexual assault at risk by further isolating teens from professionals who could help them address the abuse in their lives by unnecessarily forcing them to recount their painful experience to a stranger." The Maine Medical Association says that Maine's current abortion laws ensure appropriate adult involvement in the decision making process but recognizes now that, for a variety of reasons, a minor may not be comfortable involving a parent in that process. Maine's current law on minor's rights to an abortion is a national model and has been in place for more than 20 years.

There are many things that I disagree with in this bill, but I want to highlight two of them for you. One is the alternative consent. Under the alternative consent it says, "If a pregnant minor or incapacitated person declares in a signed written statement that she is a victim of sexual abuse, neglect, or physical abuse by either of her parents or her legal guardian the attending physician shall obtain the written consent as described from the minor if applicable and from a brother or sister who is at least 21 years of age or from a step-parent or grandparent specified by a minor or incapacitated person." Just that paragraph alone, having to have a pregnant minor come in and have to sign a written statement to recount that her parents or a legal guardian raped her and caused her to become pregnant, I cannot think of anything more horrible. The other thing is, after she signs this statement it says that she still needs a brother or a sister at least 21 or a step-parent or a grandparent to sign. What if she doesn't have those? What if she doesn't have a brother or sister who is 21? What if she doesn't have a step-parent or grandparent that she can go to? There are so many things in this bill. The one thing, also, is number 14; the rights of intervention. This goes way beyond anything I've ever seen. It states in statute that the Legislature, us, by Joint Order, may appoint one or more of its members who sponsored or co-sponsored this legislation proposing this section as a matter of right and in their official capacity to intervene to defend this section of a case in which this section constitutionally is challenged. I've never seen this before. To give a member who co-sponsored a bill the right to intervene in this. This bill is not needed. We have an informed consent. The bill creates a new definition of abortion specifically for minors and incapacitated adults. It imposes dangerous state scripting requirements. I just urge you not to support this bill. I just think that there's a lot of problems with it and I wish every child in the state of Maine had a parent as loving and as open as I am, but they don't. We need to stand here and protect those children. Thank you.

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

Senator **HAMPER:** Thank you Mr. President. I suppose I should ask unanimous consent, as a male, to be able to speak on an abortion issue. Thank you Mr. President. Ladies and gentlemen of the Senate, last May I was at a social event. This is to address a comment that was made about "could not of anything more horrible than to sign this consent." I was at a social event involving a lot of teenagers and there were a number of adult chaperons. A lady there that was 54 years old knew I was running for office and we got talking. I made a comment about being pro-life. Later on that evening she came to me, quietly, just the two of us, and recounted the sexual abuse by her uncle, who impregnated her, and the family taking her for an abortion. Granted, parents. They wanted it done. Get it out of the way.

Didn't want a 14 year old to be pregnant. Over the course of well over an hour with her she recounted how, as a 14 year old child, she was not being part of that decision and just hauled and taken for the abortion and not really fully understanding what was going on. The trauma that she's experienced for 40 years, now 41 years because it's a year later from when she told me this. Forty years later. She has a grave that she has marked. She named the child. A 14 year old girl, she has a grave for this child. What she carries over that decision that we just casually talk about in this room, the ending of a human life. What she carries with her for 40 years and recounting it to me that evening. Did she recount for me the horror of the uncle? No. That was not the horror. The horror was the ending of a human life and how that affected her. I couldn't sit still on this one. I just needed to relate a personal story given to me about the horror of what we're talking about, the ending of a human life. Thank you, Mr. President.

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I've worked with teenagers for many years. I understand the effort to legislate parental consent. As a social worker who works with teens and their families, I have worked to improve the communication and relationships between teenagers and their families. I have worked with teens who have gotten pregnant and teens who have gotten their girlfriends pregnant. The overwhelming majority of teenage girls decide to keep their babies. I've even gone through some training on how to talk to young women about the option of putting their babies up for adoption rather than keeping them or getting an abortion. The majority of pregnant young women I have worked with have also discussed being pregnant with their parents. I encourage them to do so. That's the best practice for any person working with them because whatever choice they make it is best for their parents to be involved and it's best for the family.

Now let's get to the difficult part; the really difficult part. Not every young woman who becomes pregnant is as lucky as the ones I'd mentioned previously. Some live in physically abusive homes. Some live in homes with long-standing issues of substance abuse. Some are homeless. Young women who have been thrown away. However difficult it may be to discuss this or accept it, some become pregnant by a family member; a father or a step-father. When I am not here this is often the world I live in, dealing with problems of this nature. I realize it makes people very uncomfortable to discuss the issue of sexual abuse, especially when it occurs within the family. To do my job you can't be squeamish about it. This bill would require a young woman who becomes pregnant through sexual abuse in her home to bring a parent to a clinic or to report in writing that they are a victim of sexual or physical abuse or neglect.

Men and women of the Senate, as someone who has worked for many years with victims of sexual abuse, I have to tell you that I think this is wrong. Survivors of sexual abuse struggle to speak about what has happened to them, to name it, sometimes for years. It takes a long time to do this. I have been privileged and honored to listen to them for a long time. I have listened to detailed stories about the issue we have before us today, about sexual abuse, about abortion. I can give you detailed, grizzly, and vile stories about the sexual abuse of these survivors. Do you want that? I doubt that you do. I am so tempted because



perhaps you might have a small inkling of what it might be like to be a teenage girl in those circumstances because the reality is I appreciate what the good Senator from Oxford said. The reality is that I have worked with girls who go through horror every night. That is often my job. It's also my job to help teenagers who are homeless, young girls who have been neglected and abused at home, thrown away. Sometimes their parents have just up and left. Men and women of the Senate, not every young woman lives in a family that is safe. Not every young woman even lives in a family. Some live in shelters. Some couch surf. Some are taken in by friend's families. Current Maine law allows a woman to get an abortion, a young woman, a minor child, with the consent of someone else in the family or a judge or an approved counselor. Before anyone speculates, I have never done this myself. I've never been that person that has signed for that. I've worked with clients to tell their parents if they become pregnant unless there is a specific safety concern or if there has been sexual abuse in the home. The current law works. It's not broken. The minor does have to provide a reason she is seeking an abortion without parental consent, but she does not have to disclose she's been abused. I will not vote to further traumatize young women who have been sexually abused. I'll stand up for them because, frankly, no one else does. Not everyone has the support of family. Maybe she does have a family. Maybe it's a family member that impregnated her. That's sounds ugly and vile doesn't it? It is. It is ugly and vile. Imagine just for a moment what it might be like to live it every day. Welcome to the world that I've heard about every day before I came here. My experience has been that many people want to pretend these things don't happen or that they don't happen in good homes. That would be very wrong. That's been my experience for many years. I'll be supporting the Ought Not to Pass report because I will not put a dangerous barrier, destructive and traumatizing, up for young women who already struggle with so much when so little people care about them. Thank you very much.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Valentino to Accept the Majority Ought Not to Pass Report, in concurrence. 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 (#274)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, COLLINS, CUSHING, HAMPER, MASON, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **VALENTINO** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish a Separate Regulatory Board for Dental Hygienists" H.P. 657 L.D. 933

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-452)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-452)**.

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

**READ ONCE.**

Committee Amendment "A" (H-452) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Prohibit State and Local Governments from Contracting with Corporations That Engage in Business in Known Terrorist States" H.P. 955 L.D. 1338

Reported that the same **Ought Not to Pass**.

Signed:

Senators:  
LACHOWICZ of Kennebec  
GERZOFISKY of Cumberland

Representatives:

GRAHAM of North Yarmouth  
BOLAND of Sanford  
BOLDUC of Auburn  
CHENETTE of Saco  
COTTA of China  
MacDONALD of Old Orchard Beach  
NADEAU of Fort Kent  
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-474)**.

Signed:

Senator:

COLLINS of York

Representatives:

HAYES of Buckfield  
NADEAU of Winslow

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **LACHOWICZ** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **KATZ** of Kennebec, 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 York, Senator Collins.

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, as you can see, I'm on the Minority Report. The Minority Report, quite simply, strikes the bill and replaces it with a Resolve. This would direct the Department of Administrative and Financial Services to research all vendors to ensure that we don't do business in the great state of Maine with known terrorists or countries. The U.S. State Department keeps an active list of countries that sponsor terrorism. I think it's imperative that we not do business with countries whose main goal is to, I hate to say this but I guess we all know this is a fact, kill us. They don't like us for a number of reasons. We shouldn't be doing business with these countries or companies that do business with these countries. I'll strongly recommend that we defeat the current motion and adopt the Minority Report. Thank you, Mr. President.

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **LACHOWICZ** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence. (Roll Call Ordered)

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Change the Way Legislators Are Paid"

H.P. 977 L.D. 1369

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

LACHOWICZ of Kennebec  
COLLINS of York  
GERZOFKY of Cumberland

Representatives:

GRAHAM of North Yarmouth  
BOLAND of Sanford  
CHENETTE of Saco  
HAYES of Buckfield  
NADEAU of Winslow  
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-475)**.

Signed:

Representatives:

COTTA of China  
MacDONALD of Old Orchard Beach  
NADEAU of Fort Kent

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **LACHOWICZ** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Apply the Precautionary Principle to Decision Making in Certain State Agencies" H.P. 1075 L.D. 1501

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

CLEVELAND of Androscoggin  
JACKSON of Aroostook  
YOUNGBLOOD of Penobscot

Representatives:

HOBBINS of Saco  
DUNPHY of Embden  
GIDEON of Freeport  
HARVELL of Farmington  
LIBBY of Waterboro  
NEWENDYKE of Litchfield  
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-460)**.

Signed:

Representatives:

BEAVERS of South Berwick  
RUSSELL of Portland  
RYKERSON of Kittery

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **CLEVELAND** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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**RECESSED** until 6:00 in the evening.

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 Assigned (6/10/13) matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry" (EMERGENCY) H.P. 588 L.D. 837

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-339)** (10 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - June 10, 2013, by Senator **JACKSON** of Aroostook

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, June 7, 2013, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-339) AS AMENDED BY HOUSE AMENDMENT "A" (H-354)** thereto.)

(In Senate, June 10, 2013, Reports **READ**.)

On motion by Senator **JACKSON** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-339) **READ**.

House Amendment "A" (H-354) to Committee Amendment "A" (H-339) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-339) as Amended by House Amendment "A" (H-354) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015" (EMERGENCY)

H.P. 1079 L.D. 1509

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-468)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-468) AS AMENDED BY HOUSE AMENDMENT "P" (H-499)** thereto.

Report **READ**.

On motion by Senator **GOODALL** of Sagadahoc, 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 (#275)**

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, SAVIELLO, SHERMAN, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, MASON, PLUMMER, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-468) **READ**.

House Amendment "P" (H-499) to Committee Amendment "A" (H-468) **READ** and **ADOPTED**, in concurrence.

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Senate at Ease.

Senate called to order by the President.

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On motion by Senator **THOMAS** of Somerset, Senate Amendment "A" (S-276) to Committee Amendment "A" (H-468) **READ**.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have no illusion that you are going to attach this amendment. It is probably as likely as me being cast in a major movie. I want people to have the opportunity to actually help homeowners and Maine residents and taxpayers in the state of Maine. The people that I represent are strapped. They've got all they can do to keep a roof over their head and food on the table. We know what fuel prices are doing and we know what grocery prices are doing and we know what the cost of living is doing. I don't care what federal CPI numbers say. What I would do is I would end revenue sharing and I would take that money and I would give a \$25,000 homestead exemption that was fully funded by the State. There would be no participation from local government, Mr. President, because a homestead exemption goes to Maine residents who live in their home year-round and it's all Maine residents. If you give revenue sharing then a certain percentage of that has to go to people's second homes. I've got towns in my district where 70% of the property is second homes. A big percentage of that property is owned by people from out-of-state. For roughly the same money we could give everyone in the state of Maine a \$25,000 exemption on their property tax valuation. If you've got a mill rate of 20, that's a \$500 tax break. None of it would go out-of-state. All of it would stay in Maine and all of it would stay to help people who live here year-round. No snowbirds. That's the way, if we really want to reduce property taxes, and is the best vehicle available to us. Really, I'll say one more thing. Revenue Sharing, if you look at the formula, the formula is mill rate times population. If you were going to have a theme song for revenue sharing it would be "Hey Big Spender." Thank you.

Senator **GOODALL** of Sagadahoc moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-276) to Committee Amendment "A" (H-468).

On motion by Senator **THIBODEAU** of Waldo, 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 Woodbury.

Senator **WOODBURY:** Thank you Mr. President. I'd just like to compliment the Senator from Somerset, Senator Thomas, on his very well thought out amendment.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I just rise briefly to say that we, too, appreciate the effort that Senator Thomas is putting forth, but in light of the overall budget and the deal that has been crafted by the hard work of the Appropriations Committee over months of hard work, I

think it's important that we Indefinitely Postpone this amendment. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Goodall to Indefinitely Postpone Senate Amendment "A" (S-276) to Committee Amendment "A" (H-468). 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 (#276)**

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-276) to Committee Amendment "A" (H-468), **PREVAILED**.

Committee Amendment "A" (H-468) As Amended by House Amendment "P" (H-499) thereto **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

\_\_\_\_\_  
**RECESSED** until 7:45 in the evening.

After Recess

Senate called to order by the President.  
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Senator **HASKELL** of Cumberland requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Session.  
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**ORDERS OF THE DAY**

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

HOUSE REPORT - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Lower Costs to Municipalities and Reduce Energy Consumption through Increased Competition in the Municipal Street Light Market" H.P. 885 L.D. 1251

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-472)**

Tabled - June 13, 2013, by Senator **CLEVELAND** of Androscoggin

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, June 12, 2013, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-472)**.)

(In Senate, June 13, 2013, Report **READ**.)

Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-472) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

\_\_\_\_\_  
The Chair laid before the Senate the following Tabled and Later Assigned (6/11/13) matter:

HOUSE REPORT - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish a Pilot Natural Gas Utility District in Maine" (EMERGENCY) H.P. 1036 L.D. 1442

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-419)**

Tabled - June 11, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, June 10, 2013, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-419)**.)

(In Senate, June 11, 2013, Report **READ**.)

Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-419) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Implement Recommendations of the Department of Environmental Protection Concerning Product Stewardship in Maine"

H.P. 952 L.D. 1335

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-470)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-470)**.

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

**READ ONCE.**

Committee Amendment "A" (H-470) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Facilitate the Processing of Livestock That Is Not for Resale"

S.P. 104 L.D. 271

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-272)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-273)** (4 members)

In Senate, June 12, 2013, on motion by Senator **JACKSON** of Aroostook, the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-272)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-272)**, in **NON-CONCURRENCE**.

On motion by Senator **GOODALL** of Sagadahoc, the Senate **INSISTED**.

Senate at Ease.

Senate called to order by the President.

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

**ENACTORS**

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

**Emergency Measure**

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015

H.P. 1079 L.D. 1509  
(H "P" H-499 to C "A" H-468)

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

Senator **HILL:** Thank you Mr. President. Colleagues in the Senate, I am truly honored to stand here before you tonight and talk to you a little bit about the budget. It was a long time coming and it was a lot of work and effort. The product is finally done. I can't say anything about the budget without talking about the people that were involved with it first. I have to tell you, I have to tell my Republican colleagues, that they can be incredibly proud of Senator Flood. He is always a gentleman. He is always professional. He always has the best of Maine first and foremost in his mind. I have considered it a true honor and a privilege to work with this man and then to get to know him as a friend. I have to say quickly that his co-lead, Representative Chase, was quite a fighter. She kept me on my toes. As for the rest of the committee members, they are all wonderful. I'm sorry, Senator Cain. I did not mean to over shoot you. We're connected at the hip. I apologize for not speaking about another person to work with, who was at my side and constantly giving me great ideas and tips and smiling all the time, day or night, no matter what the hour was, bringing very much to the budget it terms of creative solutions. I'm honored to know and work with Senator Cain. It's been a privilege. Thank you. Of course all the other members of the committee, I'm so proud of them and all their work and how they acted so professional all the time and that, despite all sorts of things going on around us, they never lost sight of the task.

I also have to mention the Office of Fiscal and Program Review. There's a crowd. I do not know how they stay awake the hours they do. I do not know how they do the quality of work they do for us, given the long hours, given the complexity of it. Somehow they do it and I know that without them we could never get through the complexities and the size of the budget. I thank them profusely. I realize that at the other side of the building, tucked down the hall, is an office called the Revisor's Office. They are also often unsung heroes who just labor away, continually working on the many changes and the language and putting this budget together the first time for the Executive Department, and then various versions of it and then continuing to work on it and giving us our final product. I thank each and every one of them for all of their work. I reflected a bit on this, and I thought that, yes, the Appropriations Committee does a lot of hard work for this, but I cannot overlook my leadership and the leadership of Senator Flood. They are behind us. They give us a lot of guidance. They give us support. They give us encouragement. When you are working on the budget for four months, you need all of that. Here are some other people that we don't thank enough; the staff behind us. The Majority Office staff, the President's Office staff, they are there constantly saying, "What can I do? How can I help? What can I get you?" They do research and they do reading. It's actually hard to even describe everything they do, but they are ever present, they are ever smiling, and they are ever dedicated. I shall always remember their hard work in this chapter of my life.

I just want to tell you that I thought about this budget, and it strikes me that while we think of budgets of being a lot about language and policy and numbers, this is really about people. People put it together. People took it apart. People put it back together. We all did it for people, people of the state of Maine. This budget is about us, as legislators. It's about what we can bring back to our districts and what we can bring to our people in our districts. It wasn't an easy budget, but, despite that, I think we did a very good job. We did a good job because it was bi-partisan. We did a good job because we thought of all of you, all of our colleagues and not just the Appropriations Committee. We wanted to give you something to bring back home. We gave you \$58 million in education. We gave you \$125 million in revenue sharing. We gave the State employees longevity, merit, and health insurance, which there is no question they deserve. They are hard working. They surround us every day. They are throughout the state, taking care of our people. We made sure that none of our elderly will go without the drugs they need. That gives me peace of mind. I know it gives you peace of mind. Good Lord, it gives them peace of mind. We were able to look at our hospitals and say, "Yes, we do have to come up with a base." You know what? We're going to ease it a little bit with a match. Our critical access hospitals, we decided they are critical and we had to be really sensitive and avoid a cut to them. I just want to go back to the Appropriations Committee for a moment. I assure you I spent many hours with all of them because I have come to care about them. I respect them as a whole, both the Republicans and the Democrats. I kid you not. I protected them fiercely because I knew of the task they had. I know they are very special people because they are able to rise above pretty much everything happening and stay focused. Given the economic circumstances that they had, I think they did a really good job. They keep fairness in mind and they tried to spread out the impact of both reductions and taxes. The committee, as I said, never let politics get in their way. I hope this you find to be a

good thing and you are not disappointed in the fact that we never broke up. I'm proud of that. I think it says a lot about them as professionals. Professionally, and always keeping in mind that they wanted to keep Maine running and they wanted to address the needs of the people, they forged forward. I am going to ask you tonight to honor the bi-partisan work of this committee, your Appropriations Committee who worked for you and worked for your people, and I'm going to ask you to honor them by voting for this budget. Thank you, Mr. President.

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

Senator **FLOOD:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to first thank the Senator from York for her kind comments. I would like to certainly request your support of this unanimous budget bill. I've worked on eight of these critters now; some supplemental, some biennial. This was the hardest one. Not that we're expecting sympathy from people, but it was difficult to get unanimity and I want to thank the committee certainly for that. I don't really like to speak so much, but I will tell you that I very much enjoyed the work of the giant puzzle that is called the State budget and trying to find a way of solving that puzzle. We can't solve it without the nice people who I'm hoping are listening down at the Office of Fiscal and Program Review. They are some of the most capable people you would ever work with and I thank them. I also want to say a special thanks to the Senator from York and the Senator from Penobscot; Senator Hill and Senator Cain. They are great teammates and I think that's the way we tend to try to run things there, as a team. Also the smaller sub-set of that group, Representative Rotundo and Representative Chase, along with Senator Hill. If we were golf, we'd be a foursome. We do a lot of things together and not all of those together moments are as nice as this one. We learned to live with each other and to do the work that you expect us to do. I was very privileged to work with Representative Chase, who was a real good soul mate during this whole process. She's a great ally to have. I hope she's listening. All the others on the committee, we had a great affection for each other and I hope some of them are here. We worked very very hard to get to "yes."

I wanted to just say a few things about the concepts that I went into this with, and I think that the team did. I think we worried very much about fairness and transitioning and trying to be fair to the entities that we were really working with. This was municipalities, schools, State employees, hospitals, and a wide variety of other areas to be fair about. I think we were striving very hard to find where was the fairest place that we could get and could we all get there together. This is a budget that is based on realism and it's not a budget based on rhetoric, exaggeration, politics, or anything of that nature. It is built so that it will work. I do believe that every member of the committee felt that way when we were finished. We faced the realities that we were dealing with and I think we found ways to break through. The only way you can do that, in an environment like that for four months, is if you have a work environment where people trust each other and you treat each other with respect, even in those moments where you are making the other person cry because things are so difficult and expressing those strong differences in way that allows you to break through to find answers, I think, is what made the committee very very special.

One thing I think that several caucuses found difficult this time around was that our caucuses were very independent, quite divided. I think it made it very difficult to kind of check in as we were going. We were constantly trying to check back in with our caucus groups to see how we're doing for them. It was very difficult, I think, for several of the caucuses to find commonality. That was a unique difference for me. Of the eight budget documents I've worked on, that was a unique characteristic of this particular one. I'm sorry for the people that we weren't able to please and I don't want anybody to think it was for lack of effort. Each of the broad caucuses, the Democrat and Republican Parties, each had, I think, what would you call them, must haves and can't do's. It was really important to respect those and to get those out on the table initially and then try to find ways to work around those. I think I don't want to dwell on those very much. I think we, in this room, all understand what those must haves and can't do's were. I think the fact that we talked openly about those things right at the outset and then worked around them respectfully, I think, was what really lent itself a final conclusion. Also in this building the easiest thing is to disagree because the building, the structure, and everything about working here kind of tailors things towards departure and disagreement. That's not a bad thing. Government is a democracy built on principles of expressing differences. It's also very difficult sometimes to agree, particularly when you have a complex document like this. It's like taking 300 or 400 bills of controversy and sticking them together. It's really hard to find agreement. The committee felt very strong and was faithfully working towards finding agreement in all those areas. With that as a premise to our work, I think it allowed us to truly find agreement.

Again, I want to say that just because we find agreement doesn't mean it was particularly fun. There were certainly good moments, but a lot of the work we do is working through these differences to get agreement comes with a lot of strong expressions and a lot of difficult nights. We don't want your sympathy, but we do want you to know that we work very hard on your behalf to express the caucus views on those matters. Again, this was a budget that was built on realism of our financial situation and I think we proudly present you this unanimous report. I will say on behalf of your Senate Chair of the committee, I want to be sure that you know that this was not just a unanimous committee report. Every single vote that Senate Chair brought before us was a unanimous vote. I don't know how many votes there were, but I'm guessing there were 300 or 400 or 500 votes. Every single one. I'm very proud that the committee struggled through. There were two or three times, in any budget bill I've ever work on, when it goes through a pattern and you are going to have two or three real bad days and we had those. When you get to the third one, by golly, we're almost there. It was really great about six days ago when we had that day. We broke through it and we got to the conclusion. I think there is a perception sometimes that if we get a unanimous bill that it was so easy and they didn't struggle. It's a lot of struggle and not too many really joyful moments. I tell you, when that hammer comes down, when the bill is voted out, that's, I think, a very fulfilling moment for each. We worked very hard to bring you a unanimous report. Frankly, I think that is what the people of Maine expect from us. They expect us to work together. They expect us to find solutions. I think that's done best when we trust and we respect one another and we're willing to talk to each other that way. I want to thank you all for the opportunity to serve you in that

capacity and I hope you will support the bill before you and I want to thank you Mr. President.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, the Senator from Kennebec is right. Getting to yes on a budget is hard. It is hard to get to yes and this budget, in particular, was a heavy lift for the 13 members of the Appropriations Committee. I would say tonight that this budget is a heavy lift for the 126<sup>th</sup> Legislature, but it is the right thing to do. I'm going to join the praise and thanks of my friend and my colleague, literally attached at the hip is true, from York, Senator Hill. This budget has been a journey for the two of us as well, getting to know the right way to work together. I think we found it. The Senator from Kennebec and I go way back, both on the Appropriations Committee, joining it together in our second term in the other Body, and now here in our first term together in the Senate. We were back at it again and it was like we never missed a beat. I'm very proud of that. Certainly our colleagues from the other Body, the Representative from Wells, Representative Chase, and the Representative from Lewiston, Representative Rotundo, and the entire Appropriations team really did work as well as you've heard tonight. I don't need to repeat that, but it is clear we didn't do it alone. The Office of Fiscal and Program Review, on our side, certainly Ted, Bill, and Mike who anytime you thought you forgot something, they had already done it. Really the entire set of committees and the work that you do because I think that's the part that sometimes gets missed. You go through the first round of the budget with us. You make your recommendations. Most of what we do is what you told us to do. It's true. It's not all, I'll admit, and if it were that simple it wouldn't be as complicated a puzzle. The committee work is an extremely important part of this process. It makes us ask better questions when it comes time to finally assemble that complex jigsaw puzzle that the Senator from Kennebec referenced to earlier.

This is a tough budget, but it is a fair budget. It was, I believe, the best possible budget that 126<sup>th</sup> Legislature could have put forward. It was really a marathon. It has been. We are crossing a finish line tonight. There were a lot of public hearings on this budget. You probably remember them. I know I can't forget them because it was weeks and weeks and it was on the road. It was those town leaders, it was the parents, it was the teachers, public safety workers, law enforcement, healthcare providers, and State employees that came forward to say, "This is too much and you can do better than this." We listened to them and we heard what they said. That is reflected in the budget that's before you tonight. We listened to municipal leaders across the state and, as a result, tonight about 65% of the revenue sharing that was in place last year will go back to communities across the state. We will fully fund enough so we will return the Homestead Exemption to what it was last year. We will take an important structural step when it comes to property tax relief in our state that I think is one of the best parts of this budget. We are finally taking the circuit breaker program, something you had to apply for and something that you had to remember to do, and paperwork that you had to fill out, and changing that into the Property Tax Fairness Credit, something that will enable the property tax relief, though modest, to reach more people who need it the most. That, I think, is something that will be a lasting



positive effect of this budget on property tax payers across the state. We listened to our State workforce and we listened to our State employees and retirees not talk about needing more money but about workforce environment. We heard about the challenges of recruitment and retention that are having serious impacts across our entire state and tonight we're doing something about that. We have recruitment and retention back on track for the State of Maine. That means more productivity in our State. That means employees that want to stay and do their job, which they have done so well and so hard for the past several years. We're saying it's time to put that back on track. We're certainly taking important steps to protect the most vulnerable. Some of the heaviest parts of this budget to lift involved the Drugs for the Elderly program, the Medicare Savings program, and General Assistance. I need to use these as examples of how we do things sometimes in one Legislature and say, "I hope this makes things easier the next time." We did that. Whether we are looking at ways we found savings to offset the cuts, these are programs that make sure the elderly don't have to choose between food, lifesaving medicine, and heat; basic protections, basic security. Because of savings and creativity we were able to come up with in the past year, we were able to save those programs. Particularly, Mr. President, I want to thank the General Assistance Working Group. This was something that the prior Legislature put in place. Probably most of you don't even know about it. Members from Maine Municipalities, the Department of Health and Human Services, and others who were appointed to the GA Work Group met their charge to provide us with efficiencies and cost savings in the General Assistance program, something that last year took more than ten days to resolve one item in the budget. In large part in this budget we have been able to adopt these thoughtful recommendations that achieved significant savings and we've also eliminated assistance for those that we all agree should not be receiving General Assistance well at the same time protecting those most vulnerable; including seniors, people with disabilities, people fleeing unsafe conditions in their country of origin, and families with young children. We did that because we thought ahead. We knew we could run that program better. Tonight we're putting those things in place. Finally, in education, I think communities across the state, while they are accepting the responsibility of the teacher retirement normal costs, at the same time will welcome the funding that comes along with that, which takes us a little bit closer to our shared statewide goal of reaching 55% and really will enable us to partner with schools. They are accepting the responsibilities of the normal costs and we are saying we are going to move forward with them and not just shift that there. It's a structural change and it's a partnership about a smarter way to move forward. That is positive for our communities.

Mr. President, I ask the members of this Body to join me in voting for this budget because this budget sustains our communities, it protects the most vulnerable, it values our State workforce, and supports education in a very meaningful way. Voting for this budget tonight, Mr. President, is the right thing to do. I ask my colleagues to join me tonight in voting yes. Thank you, Mr. President.

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 Arostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to rise and say that I will be supporting the budget tonight. I believe this is the sixth budget that I've had the ability to vote on. I believe out of those six I think the two previous I voted against. I know many people probably in this Body and outside of this Body know that I'm a pretty stubborn guy at times. Sometimes I dig in and I think I've been accused more than once of wanting to fight as opposed to compromising. Last session was one of those times that I didn't support the budget. I didn't like it. I don't think any of the budgets that I've had the ability to vote on I actually truly liked. Despite what some people might say, I think since I've been here there's been an awful lot of cuts to a lot of programs I thought were important. When that last night, that Thursday night and Friday morning, when the Appropriations members were putting the budget together I sat down there and watched them go through it. Maybe this time, being in leadership, I had a little bit better understanding of how hard the Appropriations Committee has to work. It's a committee I've never wanted to be on, mind you. When I was sitting there, and the deal was coming together, I had an understanding of exactly what the budget was going to be. I sat there, I don't know what time it was, four or five o'clock in the morning, and thought to myself, "Well, you know there are still going to be cuts and revenue sharing, there are still cuts in this." Where this committee started from to where they got to, in the end, I thought to myself there is no anger, there's no outrage in this budget and I've just got to support it because I don't think I've seen the Appropriations Committee come together and compromise any more than I've seen with this committee. This truly was a budget that both sides moved on and reflects, I think, the spirit of what the Maine State Legislature should be; both sides of the aisle coming together for a compromise. I know that everyone in here probably has something in this budget that they don't like about it. I'm one of those people. They made this budget so much better than it was when they first started out and they worked so hard at it and they compromised so very much that there is no way that I could sit here and vote against it. For the members of this Body, my good friend and seatmate Senator Hill, my good friend Senator Cain, and my good friend Senator Flood, even though he was a forester in the past life, I want to say thank you very much for everything that you did for this budget and for all the House members that are in the building tonight that are on the Appropriations Committee I really do think that you worked a miracle with this budget tonight and getting a unanimous report. I truly do support and thank you for everything you did. I appreciate it. It's probably one of the best, it certainly is one of the best, budgets I've had a chance to vote on. Quite possibly one of the higher things that I've seen done here as far as truly coming together. Thank you for that, all of you.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today firstly, if you will grant me the latitude, Mr. President, to thank those who worked so hard on this budget because having observed this during the last session in a leadership position and having had the privilege of working with Senator Flood during that period and now having him serve

us as our Appropriations Lead, I have come to a great respect and appreciation by the manner in which he has thoughtfully and calmly explained to us, sometimes during some rather fiery discussions in our caucus, why we reached the point we did. In that, he has always sought to be respectful. He has always sought to impart with us as much of an understanding as we could get. I have watched the Senators from your caucus, the Chairman Senator Hill and Senator Cain, and the dynamics of that committee were critical.

When we take our oath to uphold the Constitution, one of those components is the recognition that we must have a balanced budget. Through all the hyperbole of possibly shutting down state government, nobody who is rational, who has worked within this building, wants to subject this Body or the different branches of government to the pressure and the agony. We don't want to create uncertainty in a tough economy among businesses that rely on government or upon State employees who rely upon and trust us to make sure that their checks come on a regular basis. I think sometimes there are statements that are made, perhaps in the heat of discussions or as comments, that do not do justice to the people who serve this state because I think every one of them genuinely believe that when they come to work in the morning that they are going to do their best for something that they believe in and we have an obligation to respect that. I am not in the position tonight, which is difficult for me, where I feel I can vote in favor of this. That does not say that I don't respect the people and the work that has gone into this. Out of this we have been able to make a little more whole what has been a historic commitment to towns through revenue sharing. We have been able to recognize the patience and the delay that has happened to State employees and their ability to see increases on an overall basis, something that many of us in the private sector has struggled with for years as well. We sent a signal to the education community that we have a strong commitment in this state to education and we wanted to exhibit that by investing more in education. I think that is a top priority for many of us in this Body and I, without speaking for the Executive Branch, think it's been a priority of his. We also recognized some crises and some difficulties out there by putting \$3 million towards the dairy industry and stabilizing that. We also made some structural changes.

I have been going through the 160 and some-odd pages at the back of the budget document that we just received tonight. It's a little difficult for some of us also. This is not in any way of disrespect of the committee who did their work very well. It's part of the process and where we stand time-wise. To have this this afternoon for engrossment and to get copies. Personally I want to send our appreciation that, since there are only six copies available, you were kind enough to give us those for members who wanted to have it. It is troubling, as somebody who's worked on budgets at a municipal level and on behalf of organizations, to not have had a little bit more time to go through some of these things. Again, in fairness to our caucus lead and the House members, I believe they have tried to keep us abreast as this has gone on. That is not in any way meant to denigrate how the process has evolved, but it is difficult with something of this nature and one of the other reasons why I'm not in a position to cast my vote for it.

The good things, the positives are more, but others will want their opportunity to speak on this. The concerns I have are that a budget document is a financial document in my mind, Mr. President, but it is also a policy statement. There are structural

changes in here which I respect were both hard but were necessary, in my opinion, to make. There are good things that went on in recognition of some of the positive changes to career path legislation. I think that overall there was a respect to the process. There also are tax increases. There are tax increases generally to consumer goods. There are tax increases to meals and lodging. These all affect the citizens in this state. At the same time we have \$40 million in what is referred to as tax expenditures, whether you define those as tax breaks, tax loopholes, tax incentives, or whatever you call them, that yet have to be identified for savings to make this budget whole. I appreciate the difficulty that the committee had and I thank them for the manner in which they did this, which I sincerely think respected the process without using gimmicks. For many of those in my caucus that I have spoken with, the challenge we have is in adopting something that we feel philosophically has not met the standards that we believe in. To that end, I thank you for listening. I thank you for your time. I thank you for your understanding of why some of us will not be able to join you on that report.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise tonight to first thank the individuals that have worked hard on bringing this budget forward; Senator Flood, Senator Hill, and Senator Cain from this Chamber as well as the House members. They put a lot of effort into developing this product, just like many of the other individuals that have other committees that worked terribly hard to make sure that they bring good product back here. Whether it's the Energy Committee, the Judiciary Committee, or any other committee in this State House, I know that each one of us takes their job very very seriously. I know that folks on Appropriations do as well and I know that they have put a lot of effort into this. With that said, ladies and gentlemen, the folks at home are putting a lot of effort into trying to make ends meet as well. This budget does have some tax increases that I simply cannot support. I'm sure that everyone in this Chamber that intends to support this believes it is absolutely the best possible product that could be turned out. I appreciate that opinion. Let me say that the vast majority of Senate Republicans believe that we don't have a revenue problem, but indeed we have a spending problem. In this budget we are faced with substantial sales tax increases. As a matter of fact, 10% increase in the sales tax that hard working Mainers are going to have to pay. A 12% increase in the meals and lodging tax. There is \$40 million worth of loopholes in our tax code that are going to be closed. Ladies and gentlemen, if you've had kids you've probably used this line. I refer to my children as tax deductions, but I've never referred to them as loopholes. There are people who are going to be affected by the closing of these supposed loopholes. It is going to have a grave effect on their bottom line. These tax deductions that we're going to close are there for a reason. In many cases it's in order to encourage business to invest here in our state. As a matter of fact, just last night we were here quite late having a very rigorous debate about a new tax deduction, or a new loophole, for the movie industry. It was rigorously debated for an extended period of time. Ultimately it was voted down, but it was given serious consideration because we want to encourage business in our state; economic development. That \$40 million worth of loopholes, or tax

deductions, is a grave concern to each one of us. We've had other opportunities and suggestions made around potential ways to close this budget without going to tax increases, particularly around some of the energy subsidies. All of those ideas have been rejected and instead we're going to propose to raise taxes for hard working Mainers. What are we going to do with that money? Well, one of the things we're going to do is make sure that politicians have \$500,000 more to run their campaigns on. During the election you'll be able to hear your name on the radio a few more times. If you go to the post office you'll probably be able to see your picture in the trash can a few more times. I know that this budget is full of compromises. I think that it is unfortunate that that was one of them. Ladies and gentlemen, we've made our state's budget a priority over our family's budget back home. I appreciate the fact that there are other people who feel differently about this, but I can't help but feel that we're asking folks for a bigger portion of their paycheck. Thank you.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, Maine is just beginning to recover from the worst economy in our lifetime. The people we represent are being forced to do more with less as their incomes fall and the cost of living goes up. It's not the time to raise taxes. This budget spends too much and it taxes too much. We can do better. My vote will be no. Thank you.

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

Senator **KATZ:** Thank you very much Mr. President. Men and women of the Senate, first of all I think one thing you're seeing here tonight, Mr. President, is people with honest disagreements that they feel to their core. I am particularly proud to be a member of my caucus, which not only allows for a divergence of views but encourages it. When I have to stand here and say something which is contrary to other members of my caucus, in particular my friend and my leader Senator Thibodeau, I know that I am doing so with the idea that such divergence of opinion is, I believe, what makes our caucus and our party strong. I come to this vote, Mr. President, having spent two years on the Appropriations Committee and having gone through that remarkable experience where you are dealing with thirteen people who are chosen, I think, to represent a wide spectrum of views, from the most conservative to the most liberal, if I can over simplify, and asking those people to work hard over a period of six months, listen to hundreds of people, go through hours of testimony, and spend many late nights to try to get to not only a majority opinion of those people but to a unanimous conclusion. It's an extraordinary journey that I found myself on two years ago and that these folks did this year.

When you are delegated that responsibility by the other 186 of us, you have to take it very seriously. You have to give up some things that you think are important. I voted for the budget two years ago in the committee and it was a 13-0 vote. There were parts of it I had to hold my nose for because I knew that that was the only way we were going to get to a budget which could gain the acceptance of two-thirds of the people here. That's what I think folks sent us here to do, to listen and to compromise and to come to consensus. That's what has happened here. It's not

easy to get to 13-0 and it's certainly not easy to get to two-thirds. There are things in this budget I have a problem with. I won't go through the list of them. I know that if you ask all 186 of us we could each spend five minutes, at least, talking about the things we don't like.

I will vote for this budget because we have delegated this to this incredible group of thirteen people. Three of them are in this Body, Senator Hill, Senator Cain, and Senator Flood. I don't think we could have chosen any better than those three people, as well as the other members of the Appropriations Committee. We have delegated to them our trust to take our heartfelt principles that we hold as Republicans and Democrats, to not lose sight of those, but to go and try to work together and negotiate the best agreement as possible. I think that they have done a remarkable job. I think, from my perspective, we owe them that trust and that respect for the work that they have done. As my good friend from Aroostook, Senator Jackson, indicated, I think you only need to go down there at 3 o'clock in the morning a couple of times before you realize how incredibly hard that task is. Some, Mr. President, would cast this vote as a decision on whether we should raise taxes or whether we shouldn't raise taxes. I really don't see it that way. I think that given the realities of the situation which we find ourselves with the fixed costs we have, the commitments we have, and the commitments we've collectively decided to make we are going to raise taxes in this state. It's just a question of which ones. Are we going to raise the sales tax, meals and lodging tax, or are we going to do what Washington has done and turn around and do it to our hometowns and our home communities and force them to raise the property tax? As a former Mayor of this city, I know that that would be the results in Augusta if we completely eliminated, or further reduced, revenue sharing. We would make more cuts, absolutely, but property taxes would go up. From my perspective, that's the last tax we ought to be raising. None of us should be happy voting for this budget. Raising the sales tax, raising the meals and lodging tax, is nothing any of us wants to do. It is, in my view, the lesser of two evils. My congratulations to the Appropriations Committee. It's a very tough budget and it's not one that any of us, I think, will embrace, but I urge my colleagues to vote yes. Thank you, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today in support of the pending motion. I rise today thankful for the effort of the leadership of Appropriations and all the members for their hard work, their willingness to be understanding and hearing each other's opinions to overcome the challenges and to compromise. I firmly believe that there is one united goal by the voters when they sent us all here. The one goal that set out above all others was for us to work together, for us to do their work, to compromise, to do what we think is in the best interest of the entire state to make our future stronger.

Is this budget perfect? No. Is this budget that we're about to vote on much better than what was presented to us? Yes. We've heard a lot tonight about the hard work. We've heard a lot tonight about some of the things that we like in the budget and some of the things we dislike in the budget. We cannot deny that tonight we are avoiding a significant property tax increase on the people of Maine. We have resolved that challenge, that problem, that significant impact that would have on Maine families across the

state. Did we address every component of it? No. In my hometown the budget, as proposed, would have been nearly \$650 on every homeowner. That burden is just not manageable by Maine families. That burden cannot be afforded by Maine families. Today, through the hard work of the Appropriations Committee, we are avoiding, overwhelmingly, that increase. Will there be increases in property taxes across the state? I'm sure there will be. Will they be even close to what was originally proposed before us on our desks? No.

We're looking towards the future. We've heard references to burdens on our children. In this budget we're increasing funding to education. We're making public education stronger. We're making that a priority. We are finally making progress and recognizing the hard work of our State employees, the people that do the work, the public service that makes our government tick every day. They are a key component of this state. We are addressing significant challenges that are presented to us in regards to drugs for the elderly. We addressed many of the concerns in the programs of Health and Human Services.

Is there more work for us to be done in the future? Is there more work for us to be done this session? Absolutely, Mr. President. In government, in the Legislature, we're sent here to work together. We're sent here to compromise. We're sent here to do what is in the best interest of the state of Maine. The budget, this vote, the vote we take every two years, is probably the most challenging vote that we take. As we've heard from many people that spoke before me, there are many things that we like and many things that we dislike. This document, this piece of legislation, requires us to set aside our philosophical differences and do what is right. It requires us to set aside any ideology and look towards the future but address the challenges of today. Mr. President, I'm thankful, I'm confident in the future, I'm confident in the budget that we're presenting and voting on, and I encourage all of us to strongly support it. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Enactment. 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 (#277)**

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, SAVIELLO, SHERMAN, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, MASON, PLUMMER, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with 10 Senators having voted in the negative, and 25 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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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Assigned (6/6/13) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restore Funding for Head Start"

S.P. 207 L.D. 517

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-199)** (1 member)

Tabled - June 6, 2013, by Senator **CRAVEN** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 6, 2013, Reports **READ**.)

On motion by Senator **GOODALL** of Sagadahoc, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/7/13) matter:

An Act Relating to the Unlawful Cutting of Trees  
S.P. 26 L.D. 59  
(C "A" S-175)

Tabled - June 7, 2013, by Senator **JACKSON** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-175)**.)

(In House, June 6, 2013, **PASSED TO BE ENACTED**.)

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

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Senate at Ease.

Senate called to order by the President.

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

An Act To Increase Access to Health Coverage and Qualify  
Maine for Federal Funding

H.P. 759 L.D. 1066  
(S "A" S-221 to C "A" H-286)

Tabled - June 13, 2013, by Senator **CAIN** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 6, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286) AS AMENDED BY SENATE AMENDMENT "A" (S-221)** thereto.)

(In House, June 11, 2013, **PASSED TO BE ENACTED.**)

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

Senator **GRATWICK:** Thank you very much Mr. President. I wish to speak in favor of L.D. 1066 this evening. Specifically, with your permission ladies and gentlemen, I'll start off with the topic of changing my mind. Last night at roughly this time, a little bit later, about 10:30, Senator Burns was talking about electronic surveillance and I have to admit my brain was getting a little fuzzy at that time. I was drifting off. Not paying a great deal of attention. Then Senator Burns' approach, his professionalism, he obviously spoke with great passion about this, woke me up. Indeed, what Senator Burns told me last night changed my vote. What he had to say, and he talked about being open minded, using common sense, and, again, he said this today when speaking. I think it's very important. It was very encouraging, at least for me. I like to be in situations where I can change my mind, be persuaded, and change my vote. Senator Burns did it for me.

The question is then, how can I change the minds of others in this group about L.D. 1066, which will accept federal funds for the Medicaid expansion? How can I change your minds? Senator Burns and I, in one sense, are parallel in our careers. He started his career in law enforcement in 1970 and I started my career in medicine in 1970. We really have gone on our different ways, but for the many years I would say that I've probably been at it a little longer than he because I'm still practicing medicine where he is, indeed, retired. I could speak to you as a professional, because, indeed, that is what I've done with my life. I've been a physician, carrying for patients. It seems to me it's much more important that I speak to this group as a person. By doing so I can speak much more to the heart of what healthcare means to us all because we all need healthcare. It's interesting, in this group here, I haven't solicited this, I know a good deal about people's healthcare over the last six months and what kinds of problems they've had. I know that people have had heart

attacks. People have had strokes. People have had cancers. People have had enormous sadness in their lives through the death of children or the death of relatives. I know people who have had total joint replacements; new knees, new hips, shoulders, operations. In other words, we are a microcosm in a larger world. I can speak of myself. I've had cancer. Five years ago was picked up on an examination and, curiously, were it not for my regular physical examination, I should be dead. It is a sobering thing to know that I would be dead without having had good preventive care. I think we are all lucky here and we are all the recipients of an incredible system of healthcare. On the other hand there are some people who are not so lucky. I suspect you remember that I told you several weeks ago about a patient of mine, a lobsterman from Downeast. I never remember if he's from Prospect Harbor or someplace near there. This is a guy with enormous big hands. They are like a mechanic's vise. This was one tough man who had arthritis that basically destroyed him. He did not have healthcare. Two weeks ago, in my office, I saw a patient I've seen for a while now. A young mother with three children. She got arthritis. Did not, for a long time, have healthcare. Her husband left her because she was no longer, even though she's actually a lovely lady, the wife he wanted to have. This is a woman who is devastated by lack of healthcare. Healthcare becomes extraordinarily important for each of us.

We've heard a number of arguments against L.D. 1066 and I won't reiterate them other than to note that several have been very well dealt with and I don't think we need to talk about them further, specifically that the government won't live up to its promise. I will refer you, again, to the remarks of Senator Katz, who I think spoke very eloquently about this, and the amendments he has put onto this bill that really protect us a great deal. People question the uncertainty, the uncertainty about what the future holds, as something we should hold back on voting for L.D. 1066. I would refer you to what Senator Youngblood said last week as we were talking about the formation of the State Bank, which is to say nothing is certain. If we want absolute certainty of life we're going to be paralyzed. We've heard a great deal about numbers, about money, in this. This is a very complex subject and I must, with apologies, say that I think a lot of what we talk about here is pretty superficial and shallow. I would hope that tonight we would not talk more about money and numbers. If people insist, I can go through it. The real experts at numbers, you've well heard, are Senators Hill and Cain and Flood. I'm not bad in the numbers that relate to this and if you wish I'll come back and talk in detail about the numbers that come from DHHS and Mrs. Bagley, etcetera. I would just simply say that getting involved in numbers means we're going to miss the forest for the trees. We're not even going to miss the forest for the trees, we're going to miss the forest for the sphagnum moss or even miss the forest for the rezone and the sphagnum moss. I think that we want to keep our eyes on the larger picture.

Tonight I speak to you as a doctor, but also as a person, as a spokesman for those people in Maine who really need this, as a spokesperson for those who, all of us, have caring and compassion. I also speak to us in light of our morning prayers that we have every day here, which I actually find very moving and I pay attention to because that really keeps us in touch with the larger purpose for which we are here. As Senator Tuttle often has said, thus you do unto the least of us you do unto me. I think that's something we must take very seriously. Tonight, Mr. President, I ask people to open their minds, to enlarge their minds, to vote differently. If you vote differently on this there is no

question that some here will excoriate you, will heap you with calumniate, will trash you, but, nonetheless, you have to know that they will respect you because you stood up for what you believe. There are others here that will, of course, praise you, but I think we're all old enough to know that praise is affirmable and you can't go for that. Really the reason I want people to support this is because it means you will be able to sleep well at night knowing you made a difference. You won't have made a difference to all the 70,000, but you may have made a difference to my patient, the lobsterman, or somebody you know in a very tangible way because healthcare makes an enormous difference.

When I stood here before I spoke just very briefly about having reread, and now I'm rereading again, of Kennedy's Profiles in Courage where he profiles 22 men and women who stood up for what they thought was right. They listened to their deeper voice. They had moral sense. They endured insults, but they achieved true greatness. They achieved true greatness. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, it's no surprise that I'm firmly opposed to Medicaid expansion in any form. Let me say that this is a been-there, done-that proposition. This is a fool me once, shame on you; fool me twice, shame on me kind of thing, as Senator Hamper said before. When the State expanded our Medicaid program in the early 2000's we were told that it would do so many things. It would lower emergency room visits. It would lower the cost of healthcare. More people would have healthcare so we would be spending less collectively. What has really happened is emergency room visits have doubled. People have not created a relationship with their primary care provider. We've had higher costs, over a billion dollars more in spending over the past decade since our last expansion. Healthcare coverage has remained stagnant. There really has been no credible rise. It did not solve the problem then and it's not going to solve the problem now. Let me be incredibly clear. I've said it probably four times on the floor this year. This expansion will not be free. The Department of Health and Human Services estimates that, should Maine decide to expand, a minimum of \$7 million will be needed to facilitate the administration of this program immediately. That's our share. This cost will be burdened by the State. Also, after the three year 100% federal coverage is over, we will then be burdened with another 10% of the program in perpetuity. Well 10% may not sound like much. It's estimated to cost roughly \$150 million in new spending yearly. That's from the department. Some of these costs will not be realized for another 20 years, in the form of pensions and retiree benefits for the new employees that we have to hire to administer the system. Maine will also not receive the deal that other states have received. You see, Maine is being punished by the federal government for doing what we were told to do ten years ago. The 100% coverage number that is being thrown around is a pipedream. Better yet, I would consider it a falsity. We've also been promised matching funds from the federal government before. Since we have expanded our MaineCare program we have seen a decline in the federal match. As a legislator, Mr. President, I would be foolish to expect us to see the 90% match forever, especially when our country is facing a \$16 trillion federal debt. I would contend, Mr. President, as to the amendment that's on this bill, I don't believe that this

Legislature or any future ones will have the stomach to say no to 70,000 people.

Finally, and most importantly, the new 70,000 people are cutting in line. We have more than 3,000 people on the Section 21 and 29 wait list, who I have explained before are people with severe cognitive disabilities that need our help. We've skipped over them again. MaineCare is cannibalizing our State budget. We can no longer write a blank check to DHHS and allow them to spend under the guise of moral superiority. It's just not right. Someone has to be the adult in the room and say no. We no longer have pots of money to pull from. We must begin to prioritize our spending. This is not the way to do it. Thank you, Mr. President.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to start this evening with the lyrics to what should be a familiar song. I'm not going to sing it, even though I've been known to sing in the Chamber. "On a dark desert highway, cool wind in my hair, warm smell of colitas rising through the air. Up ahead in the distance I saw a shimmering light. My head grew heavy and my sight grew dim. I had to stop for the night." I rise before you this evening because my head is, indeed, heavy. In our dim sight we have forgotten the priority in our MaineCare program. If this bill is enacted we will be unable to insure that its original mission of caring for those who cannot care for themselves is fulfilled. We have families that are stressed to the max, trying to care for severely autistic children after they age out of the children's program. Their care is 24/7, all day, every day. Yes, in the budget we have appropriated some additional money to fund some of those in need, but the operative word is some. These people are easy to overlook because they are not the people who show up at every budget cycle, reading eloquent testimony written especially for them from specific groups who advocate for the poor, waiving signs, attending press conferences, or chanting in the halls of this building. They are easy to overlook because they can't show up. They can't because they aren't physically able. Even if they were, verbalizing how desperately they need services above and beyond standard healthcare is often difficult due to their disabilities. These people are only a number on a list to many of us. There are 3,100 individuals. Some have severe and persistent disabilities, traumatic brain injuries, and others are elderly. They are not able-bodied. They are at our mercy because they have no choice.

"There she stood in the doorway. I heard the mission bell. I was thinking to myself this could be heaven or this could be hell." This could be heaven or this could be hell. Has our previous experience with Medicaid expansion been the heaven that was promised or is it a budgetary hell? I've seen supplemental budget after supplemental budget, year after year. As we gaze into our crystal balls we look at what the future holds. We will not have enough tax revenue just to maintain what we are committed to now. Does anyone remember the DHHS request for an additional \$33 million just two weeks ago? Why? Previous Medicaid expansion.

"Mirrors on the ceiling. The pink champagne on ice. She said we're all just prisoners here of our own device." Yes, Mr. President, we are all just prisoners here of our own device. We are committing the budget cycle to a never ending rhythm of tax

increases to fund this expansion. We are facing a nursing home crisis in the near future. Ask the people of Washington County how far they have to travel now that the long-term care facility is closed. Long-term care is in dire straits in this state. It is due to the fiscal appetite of the previous Medicaid expansion. We have a perceived dental access problem and the root of the problem is reimbursement from the State. Emergency services have come begging for more money and they, too, are on the verge of going under. They are unable to continue operating due to reimbursement rates. Why? If you answered Medicaid expansion you answered correctly.

"In the master's chamber they gathered for the feast. They stab it with their steely knives but they just can't kill the beast." We will never be able to kill this beast that we are allowing to control every segment of the state government. Every segment is affected; education, highway funding, environmental enforcement, law enforcement, fish and game law enforcement, elderly home care services, nursing and long-term care facilities, dental access, and emergency services are being cannibalized by this beast.

"Last thing I remember I was running for the door. I had to find the passage back to this place I was before. Relax, said the night man, we are programmed to receive. You can check out any time you like but you never can leave." We are programmed to receive and that is the crux of the argument; receiving. Free money from the federal government, or should I say free money that was taken out of our left pocket instead of our right. The numbers haven't changed from the last debate. General Fund spending \$26 million first biennium and \$69 million the second, \$102 million the third, and \$150 million thereafter. Free money is not free. I've talked about that at length. We've approved a budget and in that proposal, as I understand it, there is about \$218 million of new revenue. More taxation. I might at this time make note that the previous Medicaid expansion is costing us an additional \$300 million in this budget that we just approved. We are raising taxes to feed the beast. Mr. President, welcome to the Hotel California.

There are co-payments written in the amendment; co-payments that are frowned upon by CMS and the idea has not been vetted with CMS. Requirements for co-payment amounts to nothing more than a provider tax. History shows co-payments are not being paid now and I have no reason to believe that they will be paid by an expanded portion of the population. It's just a tax on providers. The amended version of this bill contains an escape clause provision; an escape clause that has not been vetted with CMS, who, by the way, does not like to allow a repeal provision. Do you really believe that any Legislature will have the testicular fortitude to take anyone off the Medicaid rolls once they are on? We are in this for good, Mr. President. You can check out any time you like, but you can never leave. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you very much Mr. President. I just wanted to correct a few facts. One is that there is no fiscal note on this bill. Secondly, people who are on the waiting list, the 3,100 people, are going to continue being on the waiting list whether we accept the federal funds or not. It is a different, completely different, program. Also, just so people will know, people who are with disabilities, who are waiting on the waiting list, do have MaineCare. All of the other programs that are being

funded through MaineCare, whether they are nursing homes, groups homes, or whatever, will not change or shift whether we take the federal funds or not. Thank you, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today to talk and focus on what is in front of us. Not the two year budget. Not the Health and Human Services budget. One piece of legislation. One piece of legislation that can bring healthcare to 70,000 Mainers. One piece of legislation that can reduce costs in our overall healthcare budget for our state of Maine, for our hospitals, and strengthen our economy. One piece of legislation that can get people back to work. One piece of legislation that helps those able-bodied people keep working. We all have many examples; many examples, many friends and neighbors, many people that we know, and many people that we don't know, that we pass on the streets that don't have healthcare. They have challenges in their lives because they can't take that one prescription every day that we all have the privilege to from the healthcare that we receive from the people of the state of Maine. They can't get the physical therapy that they need to recuperate, Mr. President, and to get back to work. They can't afford it. They go into bankruptcy despite them working, despite them going to work every morning at 8 a.m. and going home to their families, working two jobs, because they don't have healthcare. Our bills get greater and greater here in the state because people have no choice but to go to the emergency room because they don't have healthcare. This bill not only addresses the challenges for individuals but addresses the healthcare concerns. It addresses the fiscal challenges, Mr. President, that faces our state. We can talk about all kinds of different things. We can ignore the fact that this bill automatically repeals, men and women of the Senate, in three years. This program is done, is over with. It gives us a time to reevaluate, to make a decision as to whether or not we want to move forward. Speak the facts. Understand what we're voting on. Is it perfect for each side of the aisle? No. Is it a compromise? Is it in the best interest of the state? I would argue yes. The Democrats, Independent, and the Republicans that have voted for this bill in earlier stages of this process would argue yes as well.

We have great challenges in this state. Individuals have great challenges in this state. Healthcare, arguably, is the greatest challenge to our economy when we look at it from 100,000 feet. How do we address these challenges? This is a step in the right direction. This is 100% funding; 100% funding, Mr. President. This deal is a great deal for the state of Maine. Now is the time to move forward. Now is the time to help those citizens that don't have healthcare, the ones that go to work every day and the ones that are unable to go to work every day because they haven't been able to get healthcare. We can sit here in frustration and tap our fists on our desks.

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Senate at Ease.

Senate called to order by the President.

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

Senator **GOODALL:** Thank you Mr. President. We realize this is a situation where we can make a decision that is in the best interest of the state; a situation that presents a great opportunity, an opportunity to address the most challenging issue that faces so many families in this state. I argue let's work together. Let's enact this bill tonight on this motion so that 70,000 people have healthcare. We can reduce the cost of our healthcare system, provide better outcomes, and make our state stronger. That's the choice, Mr. President. I would encourage all of us to strongly support the motion. Thank you, Mr. President.

The Chair ordered a Division. 23 Senators having voted in the affirmative and 12 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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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:

**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Preserve Hunting and Fishing  
H.P. 930 L.D. 1303  
(C "A" H-420)

Comes From the House, **FAILED FINAL PASSAGE.**

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 20 Members of the Senate, with 15 Senators having voted in the negative, and 20 being less than two-thirds of the Members present and voting, **FAILED FINAL PASSAGE**, in concurrence.

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**Emergency Measure**

An Act To Strengthen Maine's Hospitals and To Provide for a New Spirits Contract

S.P. 596 L.D. 1555  
(C "A" S-269)

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I know the hour is late, but I do feel very moved by this bill here today. I rise today in support of this motion. I personally

want to thank Senator Mason from Androscoggin for working together on this issue. My good friend, Senator Patrick from Oxford, who I've worked with since the year 2000. We have a unanimous report from the Committee on Veterans and Legal Affairs and the Committee on Appropriations, something that nobody probably could do. I feel the people of Maine demand us to work together as a Legislature and committees. This five month process to pay Maine's hospitals back and generate the best deal for the State of Maine over the next ten years was a job well done. I'm proud of our committee and the Committee on Appropriations and this Legislature for doing the right thing for the people of Maine. I would encourage a unanimous vote by the members of the Maine Senate. Thank you, Mr. President.

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

Senator **FLOOD:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I do want to thank the Veterans and Legal Affairs Committee and the Senator from York, Senator Tuttle, and the Senator from Oxford, Senator Patrick, and the Senator from Androscoggin, Senator Mason, and also Commissioner Millett and Grant Pennoyer and the Senator from Sagadahoc, Senator Goodall, for helping pull this together over the last several months. There were some bumpy spots as we went through this, but eventually we got to where we needed to go. I thank everyone for their patience. I also want to thank the Executive for his innovation in pulling this new concept together and to everyone for the willingness to listen to that. It's been a long journey for me on this process. It started with a budget bill two years ago. It failed sponsorship as a bill and now, hopefully, successful sponsorship of a second bill to get to this point. I guess you wouldn't want me sponsoring a bill that you wanted to get done in a hurry. I do think it's wonderful seeing this come to a conclusion. I certainly would appreciate your support. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, it is a good day that we are finally paying this debt and it can be marked paid in full. It's a credit to the Administration that has been persistent like a dog on a bone, reminding us that it's just wrong to continue to ignore our bills. The length of time it has taken us to get to this is puzzling and disappointing. The Administration has been telling us since the Patriots were in the playoffs last year that we need to pay our bills. We are finally getting it done as the Bruins are in the playoffs. The bill will actually be paid by the time the Red Sox are in the playoffs. I don't know why we had to go through three major sport seasons to get to this day. It is a good day because it injects \$450 million into the Maine economy. It will allow our hospitals to hire more people and lay off less, to invest in capital equipment, and will create hundreds and hundreds of construction jobs for people who are unemployed or under employed in our state. It also sends a positive message to the financial markets that has to bode well for our future credit rating. By virtue of that, it will free up over \$100 million in additional bond funding that has just been waiting and waiting and waiting on the sidelines to help repair our roads, our bridges, and invest in our water and sewer infrastructure. The question remains, Mr. President, on this



happy day, why did it take us so long to do the right thing because the Chief Executive and the Minority Party has been asking, has been suggesting, and has been pleading for months to get this done? Although it is a happy day, Mr. President, those who have chosen to delay have cost us dearly. People should understand this. Those who have chosen to delay have cost us dearly. Because interest rates have gone up, the cost of this borrowing now over the course of the loan will cost the taxpayers of the state of Maine \$3 million to \$4 million of additional money. That's \$3 million to \$4 million of additional costs that we did not have to lay on people. Shame on us for doing it. This is a happy day, Mr. President, finally. Again, one wonders why we had to wait so long and cost our constituents so much money in the process. Thank you, Mr. President.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, this is a great day. It's a day that we're moving forward, at a second attempt, to pay the hospitals. Unfortunately an attempt earlier was not successful, early this session. Today we can all join together and pay our last bill. We have paid over \$3.7 billion, well exceeding the payroll of the Red Sox and the Bruins. In 2009 we made a great decision to strengthen our future, to pay our bills as we go. The change in the accounting system has put us, for one reason, in this great challenge. On flip side of this great day, we may wake up in the very near future and realize that we may not have accomplished everything that we could do to strengthen our hospitals. We are fulfilling our obligation to pay our bills. We are putting a piece of legislation in front of the Chief Executive with, hopefully, unanimous support that puts this behind us. I hope that we do not forget the journey that got us to this point, a journey that, unfortunately, has cost too much as a result of emergency room care. We must correct that problem. That's directly related to this bill. We are fulfilling our obligations and I look forward to tomorrow, to seeing the opportunity, the promise, and the realization of bonds being signed and people starting the process of going back to work. I look forward to seeing all of us fulfill our promises. Unfortunately, we are not in control of everything. We are only in control of what is before us in this one vote. We must do our job today, pay our bills, and we must continue to work to make sure we never get back to here, in this position, again. We must all be committed to strengthening our healthcare system, because that is what put us here, a healthcare system that is broken, a healthcare system that costs too much, and a healthcare system that pays for things in a fashion that sometimes we don't even understand and that is dependent upon emergency rooms. We have corrected the problem. We've paid over \$3.7 billion. This is the final payment. It's time to unanimously approve this. It's time to wake up tomorrow, seeing the bonds signed, and moving forward. It's time to also continue and stay passionate. We must not forget that we have to finish our work and make sure that we have a system that goes forward and addresses the true healthcare cost drivers. Thank you, Mr. President.

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Assigned (6/11/13) matter:

**Emergency Measure**

An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools

S.P. 340 L.D. 995

Tabled - June 11, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by Senator **MILLETT** of Cumberland to **SUSPEND THE RULES** for the purpose of **RECONSIDERING** whereby the Bill was **PASSED TO BE ENGROSSED**

(In Senate, June 4, 2013, **PASSED TO BE ENGROSSED.**)

(In House, June 10, 2013, **FAILED ENACTMENT.**)

(In Senate, June 11, 2013, Senator **MILLETT** of Cumberland moved the Senate **SUSPEND THE RULES** for the purpose of **RECONSIDERING** whereby the Bill was **PASSED TO BE ENGROSSED**. Senator **KATZ** of Kennebec **OBJECTED.**)

Senator **KATZ** of Kennebec **OBJECTED** to **SUSPENSION OF THE RULES** for the purpose of **RECONSIDERING** whereby the Bill was **PASSED TO BE ENGROSSED**.

On motion by Senator **JACKSON** of Aroostook, 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 (#278)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **MILLETT** of Cumberland to **SUSPEND THE RULES** for the purpose of **RECONSIDERING** whereby the Bill was **PASSED TO BE ENGROSSED, FAILED.**

Senator **GOODALL** of Sagadahoc moved the Bill and accompanying papers be **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE.**

Senator **KATZ** of Kennebec moved to **TABLE** until Later in Today's session pending the motion by Senator **GOODALL** of Sagadahoc to **COMMIT** the Bill and accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE.**

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Senate at Ease.

Senate called to order by the President.

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On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **GOODALL** of Sagadahoc to **COMMIT** the Bill and accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE.**

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**HELD MATTER**

Bill "An Act To Enhance Self-defense by Removing Restrictions on the Carrying and Use of Weapons"

H.P. 452 L.D. 660  
(C "A" H-361)

(In House, June 11, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, June 12, 2013, Reports **READ.** On motion by Senator **GERZOFSKY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.)

Senator **KATZ** of Kennebec moved the Senate **RECONSIDER** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **JACKSON** of Aroostook, 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 (#279)**

YEAS: Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

NAYS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFSKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, SHERMAN, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **KATZ** of Kennebec to **RECONSIDER** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED.**

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Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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Senator **KATZ** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

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On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED**, until Friday, June 14, 2013, at 10:00 in the morning, in memory of and lasting tribute to Richard Bruce Stedman of Westport Island.