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

In Senate Chamber
Tuesday
February 11, 2014

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

Prayer by Pastor Doris Morgan, Bartlett Memorial United Methodist Church in North Jay.

PASTOR MORGAN: Good morning. This morning I'm starting off with the purpose of why we're here. It's the Constitution of the State of Maine and it's the 2013 arrangement. Our Preamble is "Objects of government". We, the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to design, and, imploring God's aid and direction in its accomplishment, do agree to form ourselves into a few and independent state, by the style and title of the State of Maine and do ordain and establish the following Constitution for the government of the same.

This morning I'm reading Article 1, Declaration of Right, in section 3. Religious freedom, sects equal, religious tests prohibited, religious teachers. All individuals have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and no person shall be hurt, molested, or restrained in that person's or estate for worshipping God in the manner and season most agreeable to the dictates of that person's own conscience, nor for that person's religious professions or sentiments, provided that that person does not disturb the public peace nor obstruct others in their religious worship, and all persons demeaning themselves peaceably, as good members of the state, shall be equally under the protection of the laws and no subjection nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust under this state and all religious societies in this state, whether incorporate or unincorporated, shall at all times have the exclusive right of electing their public teachers and contracting with them for their support and maintenance.

Invocation. Lord, God of all Creation, we come together this morning for the purpose of making sure that the individuals who live in the state of Maine, from Fort Kent to Kittery and Eastport to Fryeburg, live together in peace, liberty, and justice, securing the common welfare of us all. Help us to be thankful for what we have been given, but give us compassion to give to others. We seek Your direction for this task which we have been entrusted with. Give us grace to be open to the spirit of truth and compassion. Give us clarity of thought and speech so that we may consider every option available to us in making good, sound decisions. Lord, please bless our comings and our goings. Protect us as we travel home at the close of this day. Give us a restful and peaceful sleep, along with the satisfaction from doing our best in service for the people in our districts and all those throughout our state. In the name of the fount of every blessing. Amen.

Pledge of Allegiance led by Senator Anne M. Haskell of Cumberland County.

Reading of the Journal of Thursday, February 6, 2014.

Doctor of the day, Geoffroy Noonan, DO of Portland.

Off Record Remarks

PAPERS FROM THE HOUSE

The Following Communication: S.C. 713

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE

February 6, 2014

Honorable Darek Grant
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Grant:

Pursuant to my authority under House Rule 201.1 (I) (a), I have temporarily appointed Representative Beth P. Turner of Burlington as a member of the Joint Standing Committee on Veterans and Legal Affairs for the duration of the absence of Representative David D. Johnson of Eddington.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 714

STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR

February 7, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating the following for appointments as a District Court Judge:

Eric J. Walker of Belmont
William J. Schneider of Durham
Lance E. Walker of Falmouth
Barbara L. Raimondi of Auburn
Andrew B. Benson of Athens

Pursuant to Title 4, MRSA §157, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 715

STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR

February 7, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Judge Daniel I. Billings of Bowdoinham and Judge Robert E. Mullen of Waterville for appointments as a Justice to the Maine Superior Court.

Pursuant to Article V, Part First, §8 of the Maine Constitution, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 716

STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR

February 7, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Peter M. SeeHusen of Corinna for appointment to the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12, MRSA §10308, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 717

STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR

February 7, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Thomas W. Dobbins of Scarborough for appointment and Dr. Thomas E. Eastler of Farmington for reappointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA §341-C, this appointment and reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 718

STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY

February 4, 2014

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 Energy, Utilities and Technology has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 826 An Act To Eliminate the Opt-out Charges for Smart Meters

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

Sincerely,

S/Sen. John J. Cleveland
Senate Chair

S/Rep. Barry J. Hobbins
House Chair

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

The Following Communication: S.C. 719

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

February 4, 2014

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. 1694 An Act To Improve the Water Quality of Inland Waters (EMERGENCY)

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. 720

STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES

February 4, 2014

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 Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1599 Resolve, Directing the Commissioner of Health and Human Services To Advance the Safe Handling of Hazardous Drugs To Protect Health Care Personnel (EMERGENCY)

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

Sincerely,

S/Sen. Margaret M. Craven
Senate Chair

S/Rep. Richard R. Farnsworth
House Chair

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

The Following Communication: S.C. 721

STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES

February 4, 2014

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 Labor, Commerce, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 449 An Act To Ensure Consumer Choice in the Purchase of Prescription Drugs (EMERGENCY)

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

Sincerely,

S/Sen. John L. Patrick
Senate Chair

S/Rep. Erin D. Herbig
House Chair

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

The Following Communication: S.C. 722

STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

February 4, 2014

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 Labor, Commerce, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1648 An Act To Protect Maine Consumers from Abusive and Deceptive Debt Collection Practices

L.D. 1659 An Act To Amend the Uniform Deceptive Trade Practices Act

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John L. Patrick
Senate Chair

S/Rep. Erin D. Herbig
House Chair

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

The Following Communication: S.C. 723

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

February 4, 2014

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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1608 An Act To Amend the Law Governing the Collection of Minor Amounts of Property Taxes

L.D. 1646 An Act To Provide Property Tax Relief to Seniors Residing in Maine

L.D. 1654 An Act To Amend the Municipal Hardship or Poverty Tax Abatement Law To Reflect the Replacement of the Circuitbreaker Program (EMERGENCY)

We have also notified the sponsors and cosponsors of each bill listed 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. 724

STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS

February 4, 2014

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 Veterans and Legal Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1670 Resolve, To Require the Director of the Bureau of Maine Veterans' Services To Report on the Administration of the Coordinated Veterans Assistance Fund (EMERGENCY)

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

Sincerely,

S/Sen. John L. Tuttle
Senate Chair

S/Rep. Louis J. Luchini
House Chair

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

The Following Communication: S.C. 725

CHILD DEVELOPMENT SERVICES

February 1, 2014

To: Honorable Justin Alfond
President of the Senate
3 State House Station
Augusta, ME 04333-0003

From: S/Cindy Husson Brown, State CDS Director
State Intermediate Educational Unit-Child Development Services
146 State House Station, Augusta, Maine 04333

Report Back on P.L. 2011, c 616: An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-Independent State Entities.

Enclosed please find this year's report back on P.L. 2011, c 616 from Child Development Services (CDS). Included with the report is a copy of the Request for Proposals for a new data system that is moving forward right now and a letter from Commissioner Bowen to Commissioner Millett that includes updates on many of the initiatives underway within the CDS program. CDS has made progress towards fully implementing this law and would be happy to discuss further the contents of our master work plan, which will continue to increase accountability, efficiencies and effective interventions for children birth through five in Maine. I can be reached directly at 624-6663 or through my Administrative Assistant, Sue Kendall at 624-6662 as well as by email at Cindy.Brown@Maine.gov.

Thank you for allowing me to report on the continuing efforts to improve our Early Intervention and Early Childhood Special Education System for Maine children.

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

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue for the Purchase of the Bar Harbor Ferry Terminal"
S.P. 702 L.D. 1767

Presented by Senator LANGLEY of Hancock.
Cosponsored by Representative HUBBELL of Bar Harbor and Senators: BURNS of Washington, CUSHING of Penobscot, Representatives: CASSIDY of Lubec, DOAK of Columbia Falls, GILLWAY of Searsport, LOCKMAN of Amherst, LUCHINI of Ellsworth, MALABY of Hancock.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **HILL** of York, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Clarify and Update a Nurse's Authority To Administer Medication"

S.P. 701 L.D. 1766

Presented by Senator JOHNSON of Lincoln.
Cosponsored by Representative GRAHAM of North Yarmouth and Senator: GRATWICK of Penobscot, Representatives: GATTINE of Westbrook, SANBORN of Gorham, WINCHENBACH of Waldoboro.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **PATRICK** of Oxford, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Pursuant to Public Law
Joint Standing Committee on Education and Cultural Affairs

Senator MILLETT for the **Joint Standing Committee on Education and Cultural Affairs**, pursuant to Public Law, chapter 347, section 1 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Report Defining Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf"

S.P. 703 L.D. 1769

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

Pursuant to Statutes
Criminal Code Revision Planning Committee

Senator GERZOFSKY for the **Criminal Code Revision Planning Committee**, pursuant to Joint Order, S.P. 31 asked leave to report that the accompanying Bill "An Act To Establish the Criminal Law Revision Commission" (EMERGENCY)

S.P. 700 L.D. 1765

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Clarify When Bonds May Be Issued"

H.P. 628 L.D. 904

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-595)**.

Signed:

Senators:
HILL of York
CAIN of Penobscot

Representatives:
ROTUNDO of Lewiston
CAREY of Lewiston
FREY of Bangor
JORGENSEN of Portland
ROCHELO of Biddeford
SANBORN of Gorham

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

Signed:

Senator:
FLOOD of Kennebec

Representatives:
CHASE of Wells
CLARK of Easton
KESCHL of Belgrade
WINSOR of Norway

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-595)**.

Reports **READ**.

Senator **HILL** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, 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.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence. (Roll Call Ordered)

Senate

Ought to Pass

Senator GRATWICK for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Update Citations of Recodified Federal Regulations in the Maine Consumer Credit Code"

S.P. 643 L.D. 1651

Reported that the same **Ought to Pass**.

Report **READ** and **ACCEPTED**.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down forthwith for concurrence.

Senator GRATWICK for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Make Technical Corrections to the Maine Consumer Credit Code To Facilitate the Multistate Licensing Process"

S.P. 678 L.D. 1712

Reported that the same **Ought to Pass**.

Report **READ** and **ACCEPTED**.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down forthwith for concurrence.

Ought to Pass As Amended

Senator CLEVELAND for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Ensure Equitable Support for Long-term Energy Contracts"

S.P. 440 L.D. 1278

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-384)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-384) **READ** and **ADOPTED**.

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

Sent down forthwith for concurrence.

Senator VALENTINO for the Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Judicial Compensation Commission" (EMERGENCY)

S.P. 263 L.D. 725

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-383)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-383) **READ** and **ADOPTED**.

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

Sent down forthwith for concurrence.

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

SECOND READERS

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

Senate

Bill "An Act To Allow an Earlier Implementation Date for an Architectural Paint Stewardship Program"

S.P. 625 L.D. 1634

READ A SECOND TIME.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**.

Senate As Amended

Bill "An Act To Establish Reasonable Restrictions on the Use of Fireworks"

S.P. 57 L.D. 168
(C "A" S-380)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

ENACTORS

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

Resolve

Resolve, Extending the Date by Which the Family Law Advisory Commission Must Report on Its Study of the Uniform Parentage Act and Other Similar Laws and Proposals
H.P. 1243 L.D. 1737

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

Senate at Ease.

Senate called to order by the President.

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

The President took a seat on the floor.

The Senate called to order by President Pro Tem **TROY D**. **JACKSON** of Aroostook 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 (1/14/14) matter:

Bill "An Act To Further Reduce Student Hunger"
S.P. 472 L.D. 1353
(S "A" S-359 to C "A" S-70)

Tabled - January 14, 2014, by Senator **JACKSON** of Aroostook

Pending - **CONSIDERATION**

(In Senate, July 9, 2013, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, January 14, 2014, Veto Communication (S.C. 628) **READ** and **ORDERED PLACED ON FILE**.)

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

Senator **MILLETT**: Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today in support of L.D. 1353, An Act to Further Reduce Student Hunger. The goal of this bill is to help feed Maine's hungry children during the summer months when school is not in session. It received unanimous support from the Joint Standing Committee on Education and Cultural Affairs. We worked hard to craft a bill that helps our communities address hunger in their children while at the same time remaining sensitive to the fact that we do not like, as a Legislature, to place Mandates on our districts. Today one out of five children under the age of 18 in Maine suffers from food insecurity. This is a painful reality given the plenty that many of us enjoy, but yet it is true. The consequences of this reality are many, but I am particularly troubled by its adverse impact on our children's success in school and, thus, later in life. Hunger is one of the most significant roadblocks to learning. When children don't get enough nutritious food they fall behind physically, cognitively, academically, emotionally, and socially. We know the link between poverty and academic performance. The sources of this impact are many, but hunger plays a critical role in a child's inability to keep up with other children who come from financially more secure families. In my time here as a freshman legislator, I have heard many people come before the Education and Cultural Affairs Committee stating their desire that our children are able to succeed and become productive citizens in our communities. Now is the time to walk our talk. This bill before us is a concrete way to help our children be what we desire them to be. This bill offers a cost effective way to help ensure 70,000 Maine children have a better chance to start the school year on the same footing as their peers; sharp, curious, and ready to learn. It is my hope that community organizations will come together and partner with our schools to take advantage of the Federal Summer Lunch Program and make sure our youngest and neediest citizens do not go hungry.

The bill before us only requires qualifying schools that already run a summer program, like summer school or a rec program, to discuss whether a summer food service program is right for them. There is no Mandate. If a school finds the administrative costs to prohibitive, or can't find a sponsor or partner, they can simply opt out. I believe this bill is right for Maine and is right for Maine's children. Thank you.

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

Senator **GRATWICK**: Thank you very much Mr. President. I rise to speak in support of this bill as well. Last summer I went to the rec center in Bangor, in the lower income section of Bangor. We were dedicating a community garden there. There were lots of

kids there. They were having a wonderful time and they were growing their tomatoes, their lettuce, and so forth. After that they went inside. There were probably about 30 kids and they had a lunch provided under this special program. It was very successful. They were happy. Good food. At the end of it about six or eight parents went and took home food for that night. It was a very successful program. It was wonderful to see. In a particular school in Bangor the free and reduced lunch is 95%. Ninety-five percent means that the free lunch is given to any family of four with an income less than $30,000. Reduced lunch is given to a family with less than $40,000. This is a very important group we're serving and it is certainly is very welcome. It was wonderful to see that. The other aspect of this that I think is worth realizing is what happens if kids don't have enough food. There is that very unfortunate experiment at the end of WWII, the Dutch Famine, where the Nazis, in the winter of 1944 or 1945, cut off food. There were 4.5 million Dutch kids were effected. There were the usual predictable things like low birth rate, lower IQ, and more illness. Curiously was this whole field of epigenetics. Epigenetics is that factor that our environment actually can change our genetic makeup. Our colleague over in the House, Representative Ayotte, is very concerned about this, very interested in it. Our environment does shape what the next generation will be. There was, indeed, an effect with lower birth rates and less good health in the second generation after this Dutch Famine. The data is very real. We all need food. None of us are hungry here in this Chamber. We have to make sure that the next generation is not hungry either. I think this is a very worthwhile bill. I'll be voting for it and I would urge everybody else to do likewise. Thank you, sir.

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

Senator **CRAVEN**: Thank you Mr. President. Men and women of the Senate, please allow me to read some excerpts from a story that appeared in the Lewiston Sun Journal on February 6, 2014. Each Friday afternoon before some Farwell Elementary students get on the bus they are given snacks so that they won't be hungry over the weekend. In the packs are individually wrapped cereal, crackers and peanut butter, cheese, granola bars, and juice and fruit cups. "They are going home and there is no food at home," Principal Walker said, "Some children have only crackers and juice for dinner. You drive by and see the great big beautiful school which you would think, 'Not Farwell School.' It's shocking to hear that we have kids who go hungry." A lack of food in homes is not unique to Farwell or to Lewiston, although 41% of the children living in Lewiston live in poverty. According to experts, who say that one in four Maine children suffer from hunger even though many eat breakfast and lunch at school, it's a growing problem. We see high needs of kids coming in, not getting enough. "They are hungry," said Alisa Roman, nutrition director at the school. "More students are being enrolled in the federal program that provides snacks for students after school programs," Roman said, "In January we provided snacks to 2,600 individual students, about half of Lewiston's entire student population." I won't read the whole story, just some more highlights. "At Farwell Elementary, in the fall, teachers and administrators noticed that students were lying on their desks, tired and whining," Walker said, "We started hearing that there was no food at home. We started thinking, 'We've got to do something to help those students.' The numbers aren't high at Farwell. Out of 360 students only 20 don't have adequate food at home. On one recent Friday buses were pulling away from the school when one bus stopped. A boy hopped off the bus frantic. He said, 'Mrs. Walker, my bag is empty.' I said, 'Oh no.' I had given my very last Cheerio and his bag was empty. Staff found yogurt and cheese for the boy. His face was ecstatic and relieved. Walker said that another week a different student told Walker, 'When I get my pack I make it last all weekend.' It makes me feel sad to know that there are kids lacking food, basic things that we all take for granted. 'Before the snack program,' Lewiston technician Jean Coolage said, 'some students didn't want to go home on Friday because there was no food. They said to me, 'I have four days off. What am I going to do now?'" You think, this is Maine, this is America, how can our kids be going home hungry? These are elementary school children, 5, 6, 7, 8 years old. I can't imagine anybody not wanting to feed our tiny kids. Thank you, Mr. President.

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

Senator **LACHOWICZ**: Thank you Mr. President. Colleagues in the Senate, I urge you to support L.D. 1353. As many of you know, I've worked as a social worker for many years, most of that in the city of Waterville. To be honest, none of the towns in my district would be considered wealthy. I've worked with hungry kids. Part of my work has been to make sure, when they come in the door every morning and they have behavioral problems, that they get breakfast first because you can't expect a child to learn or to behave well if they haven't had a meal. In my work I also work in the community in the summer. Part of my job was to hand out, distribute, the summer meals. Waterville is a city that has participated in this program before. As the good Senator from Cumberland mentioned, not every city has to participate in this program. I'm proud to live in a city that has because it's meant that children have food. I'll just tell you some of the heartbreaking stories that I've seen. I've seen them come in and take one for their little brother or sister because their little brother or sister wasn't old enough to come to the South End Teen Center. They needed to be 12. I've also seen them ask if they can have one for dinner that evening or for the next day because their Mom has to work and they're going to be home alone for that amount of time and they don't have any food to make. Hunger exists every day for the kids in this state. They think we're kidding ourselves if we think it's just a problem that exists someplace else because I represent seven towns in central Maine, just up the road, and it's there all the time. Thank you very much.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI**: Thank you Mr. President. I rise today in support of L.D. 1353 also. As some of you here know, early in my career I worked as a Head Start teacher and I saw first-hand the connection between a good breakfast or lunch and the readiness to learn. We would begin each day in my classroom with a hearty snack and later sit together for a hot lunch. Peanut butter French toast was the favorite of one little guy I remember. It would bring a smile to his face whenever we had it and, importantly, it gave him the fuel he needed to engage, to play, and to learn. It woke him up to life's possibilities. We know that the early years in a

child's life are critical in determining where they end up in life. According to science studies, approximately 85% of a person's core brain structure is formed by the age of 3. Research shows that positive early childhood experiences create a strong foundation and prepare the brain for all the development that follows. If we want our children to fulfil their potential we need to provide them with a strong foundation. We need to feed our children; body, mind, and soul. This bill allows communities to keep childhood hunger at bay. I'm proud to be supporting L.D. 1353. It's an important investment in our children's health and their future success in school and life. It's what we came here to do. Thank you.

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

Senator **ALFOND**: Thank you Mr. President. Colleagues here in the Senate, when I was 9 years old I was living in Dexter. Tom was my classmate. We were friends and loved to play sports together. Back then, through my 9 year old eyes, I remember he was "that kid". That kid who got called to the Principal's office often. He was that kid who had to stay in during recess. He was that kid who missed a lot of school. What I realized later, with my adult eyes, is that Tom was that kid whose family, although they worked hard, didn't have enough money to make sure Tom had enough food. He was hungry. He was hungry every day of the school year and he was hungry every day during the summer. I'm sure that we all know, or knew, a Tom and maybe in this Senate Chamber a few of us were even that Tom. As part of the Education Committee, I know, and studies have shown, that hunger is one of the most severe roadblocks to learning. A child who doesn't have enough to eat won't do as well in school. They are more likely to be sick, less likely to be in school often, and less likely to finish high school. Tom was that kid and that was more than 25 years ago. Today, in the state of Maine, 84,000 students qualify for free and reduced programs in our schools. Programs like lunch. Programs like breakfast. Programs like after school. Today 20% of our students are food insecure. Nearly one in five. Today the state of Maine ranks third in whole country for food insecurity. Let's look back at just one year ago. We were seventh. We have dropped four places in one year alone. That's a list we shouldn't be on and it's a ranking that, quite frankly, I'm ashamed of. We hear all kinds of complicated bills, but sometimes the best solutions are the simplest. This bill is one small step, one common sense step, towards making sure that hungry students in the state of Maine have an opportunity to get a warm meal, a meal, during the summertime. This one bill could possibly provide a family 200 meals during the summertime, 200 meals that that student is not going to get. Feeding hungry students is nothing new to our state and nothing new to our country. We already have programs in place for making sure hungry students get fed during the school year, breakfast and lunch. Right now students are trekking into their cafeterias across the state. A lot of them are getting a free lunch. A lot of them are getting reduced lunch. That doesn't happen in the summertime for over 70,000 of our 84,000 students. Let me repeat that again; 70,000 students out of the 84,000 students that are eligible for free and reduced lunch do not have an opportunity to get food during the summertime. Summer food programs started in 1968. Our government, and our society, has long seen the need, and have accepted the responsibility, to help provide basic nutrition to our neediest children. Many of you in this room have already supported this bill once. If you join me again we can make a difference to those 70,000 students that right now have no access to food in the summer.

Today all we're asking and expecting through this bill is for the adults in these communities that have a majority of their students on free and reduced lunch to have a conversation about whether they should start a summer food program in their school district. That conversation is only going to happen if that school district is already offering summer programing, like a rec program or summer school, to consider whether adding a summer food program is right for them. The food costs are paid for. The federal summer food program picks up all the food costs. This bill even allows partnerships with churches, with non-profits, and other community programs and civic organizations. In my hometown of Portland there is a summer food program in the park, in Deering Oaks Park. Why? Because we already know students are there. We make it easier for students and their families to make sure that they have possibly the only meal for the day. I remember being in Bay Side during last session. I remember going to a summer food program site and seeing the families, the kids, all light up, knowing that they had the opportunity to be around each other, in a safe environment, in a comforting environment, to have one meal for the day. Again, if the school doesn't want to participate, for any reason at after having the adults in that community have a conversation, they can opt out for any reason. I heard a lot in this chamber, "Why do we need this bill, Senator Alfond? School already can opt in." The answer is quite simple. There are 70,000 students that are counting on us to possibly get them some meals during the summer. If that isn't enough to get us to reaffirm our commitment to our neediest children, something we've already made once in this Chamber, I don't know what is. My question is, "How can we not do this now?" Why would we not be doing this now, when Maine is ranked the third highest food insecure state in the country? We all talk about wanting to have an educated workforce. We all talk about that we want our K-12 to do better. We all talk about making sure that we've got great skilled workers. It starts at the beginning, folks. You can't have students going from one grade to the next grade to the next grade, achieving great things, and being food insecure the entire time. That's going to be the anomaly. Most students are going to struggle. Most students are not going to make it through school. We're all going to be part of the solution of what happens next. I believe this bill is more than just a bill. I think it's a pledge, it's a pledge for all of us in elected government right now, to make a commitment to our youngest, most precious assets in the state of Maine, which is our students. In closing today, you have a second chance, a second chance to support feeding hungry children, hungry students, in our state. This is a basic thing. Food, water, shelter. There is nothing luxurious about what we're doing here today. I hope you will join me. I'll finish with this. Our students, our kids, cannot help if they are poor. Thank you, Mr. President.

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

Senator **THIBODEAU**: Thank you Mr. President. Ladies and gentlemen of the Senate, let me just say that this bill does not feed a single child. There is nothing that prohibits any school board from stepping forward and enacting this program, probably a worthy program. With that said, if this bill doesn’t become law I

would challenge each and every one of you that feel very, very strongly about this issue to write your school board because it is a local decision. Each one of you ought to be reaching out to the members of your school board and telling them how strongly you feel about this. With that, thank you, Mr. President.

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

Senator **JOHNSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I don't know how many of your have experienced times while growing up when there was not enough food or when hunger was a frequent or constant part of your life. It's not something children should have to endure yet one in five children of school age in Maine experience it and one in four children under age 5. School lunch programs help ensure school age children get a good meal, but over the summer the food insecurity of households with children increases. I believe that all my fellow Senators, whether you've experienced it personally or not, know in your hearts that no child deserves to go hungry, that no child should be blamed for being poor. Children deserve better and we should all help end this problem in Maine. Personally, my wife and I contribute to food drives and to the Good Shepard Food Bank, but I also know, as a member of the Education Committee and of an RSU board, that it's not too much to ask of schools with 50% or more students qualifying for free or reduced lunch to operate a summer educational or recreational program or have a conversation about whether to have a summer food service program. I say conversation because that is all this bill requires. If the school board has that conversation and votes not to operate such a program they are done. Nothing more is required. A school board of a qualified school that doesn't vote against operating such a program will see 100% of the food costs covered by the federal summer food service program and they can collaborate with municipal summer recreation or other service institutions to operate the program. Wherever you set the bar on your personal view of Maine's truly needy, our hungry children should be counted among them. A conversation about what a community and a school system can do together to help reduce food insecurity is a reasonable thing to expect. I urge you to think of your children, your grandchildren, or children in houses you visited in your district that may know lasting hunger first hand and join me in asking for the adults to have a conversation. Hungry kids deserve to know that adults are there to help them. Let's all be those adults today and override this veto. Please join me in supporting L.D. 1353. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND**: Thank you Mr. President. Members of the Senate, I rise today to share with you my experience as well because very clearly it has been stated today the need exists. We have far too many children in this state who go without food, sometimes for several days at a time. We also know that many of us have been making efforts at the local level to help in this effort to feed children. We also know that that, by itself, isn't sufficient. We know that this resource is available to help fill the gap. Let me give you some personal examples. I belong to the local Rotary Club, I think as many do here. We're a service club and what we try to do is raise money for those in need, particularly children, within our community. Over the time that we've been organized we're raised more than $400,000 that we've given away for local programs. Many of these programs involve giving funds to local organizations that feed children. We give thousands of dollars a year to the local Boys and Girls Club to provide food after school for kids who come to those local clubs because they may not have any food when they go home. We give money to the local food bank and the Good Shepard Food Pantry that distributes food, not only in our area but around the state. They struggle to keep up. They can't meet the demand for the food that they are getting. Frankly, they are getting less food from the grocery stores because they manage their products differently.

We learned of a need in local schools, that children were going home without any food for the whole weekends, sometimes a three day weekend on holidays. We adopted a school and we fund the backpack program so that on Fridays those kids get a backpack with food to go home. We can't fund all of them all the time and they are not there at school in the summertime to receive those backpacks. We know the need has not gone away simply because summer has arrived. We started a unique program where we buy food gift cards from our local supermarkets. We purchase those. We get a bonus for buying a certain number, a 5% bonus. We use all of the money to go back to food programs to feed the children. Each of us buys the coupons and use them any way that we can or would like. I buy mine every week and I give them away. I give them to single moms who have children who have lost more than 70% of their support through the SNAP program and are working full-time, trying to make ends meet, but can barely get heat into the home and don't have enough food. Rather than keep the coupons, I give my card every week to one of those families so that they can have at least something, but I can't do it for all. I'm not the only one. Businesses are doing it. Charitable organizations are doing it. Churches are doing it. Synagogues are doing it. Local neighborhood groups are doing it. Everybody is trying because they see the need.

If you simply look at the report from 2-1-1, a call in system for assistance, they rank by category the needs. If you look at those, just go on-line and you will find them yourselves, within the top five or six requests every month is the need for food, behind shelter, heat, and utilities, which are the basic human needs. More than 2,200 people in the last seven months have called in asking for food. It is clear the problem exists. It is clear that many are helping to try to address it. Those resources are insufficient. It's our responsibility to encourage this other resource to be used so that funds from the federal school food program, at the option of the local schools, can be used to feed hungry children in the summertime. There is nothing more basic than that. There is no Mandate. There is no requirement. It simply states there is a tremendous need, there are additional resources available, and to consider using those resources for the most vulnerable children in our society so that they can grow up to be productive, healthy citizens in this state, which is what we would all like to happen. Thank you, Mr. President.

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

Senator **SHERMAN**: Thank you Mr. President. Ladies and gentlemen of the Senate, I voted for this before and I'm going to vote for it this time also. I've been sitting here listening very carefully. You're all talking about symptoms. You're going to help

this person, that person, and the other person. If you go back to the last century, when I first came down here, Aroostook County and these rural areas were fairly wealthy. We've lost that. The issue for me is if you aren't going to build your base here of people working and good jobs you're always going to have this. What you are doing now isn't fixing it. You've got the lifeboats out there and you're throwing stuff from the lifeboats. That's all very well and good. The big issue in this place, I think, is that we need an economy here. You're losing it. Look at the paper mills gone. Right down through the list. Thousands of jobs have disappeared. Where are they? Where are we working to help those jobs come here? I was talking to a gentleman the other day and he said, "The way the state of Maine looks, would any big business ever come in here?" This was a businessman talking about that. I'm all in favor of helping kids during the summertime, but the bigger issue this place should be working on is how to get those good jobs in here. We don't seem to have that as a first priority. Thank you very much, Mr. President.

The President Pro Tem laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#394)

YEAS: Senators: ALFOND, BOYLE, BURNS, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFSKY, GRATWICK, HASKELL, HILL, JOHNSON, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, SAVIELLO, SHERMAN, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT PRO TEM – TROY D. JACKSON

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

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, and 25 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

Under suspension of the Rules, sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (2/4/14) matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot

H.P. 131 L.D. 156

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-587)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - February 4, 2014, by Senator **CAIN** of Penobscot

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

(In House, January 30, 2014, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-587)**.)

(In Senate, February 4, 2014, 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 PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to make a few brief comments and then I'll sit down. I think when we're talking about early voting that it's important that we understand what we already have and what we do in Maine. In Maine any person can vote early right now. It's through a process that we call absentee voting. A voter can request their ballot by mail, by phone, on-line, or they can go right into the town office for the full voting experience, just like it is on Election Day. What happens then, after they vote at home or in the town office, is they put that ballot in an envelope. It's then sealed and put away and counted on Election Day. Amending the Constitution is a solemn occasion and we should be confident and sure about our additions. It's our job, as legislators, to vet amendments and then, if they pass muster, send them out to the voters for their judgment. I don't believe that this amendment passes that test. During our public hearings in the Veterans and Legal Affairs Committee we had a couple of issues raised and why people thought this amendment was important. We had one group come before us, the League of Young Voters, and they complained of long lines on Election Day. My response to that argument is, voters can request their ballots, their absentee ballots, in the summer. They don't have to wait until Election Day to vote in Maine right now. They can request their ballot in August and vote up to 45 days prior to Election Day. If the absentee ballot process is not alleviating long lines on Election Day it's not feasible to think that changing a clerical process will make it better. Voters have ample time as it is to vote and do their civic duty.

There were also security issues that were brought up. What this amendment will do is turn Election Day into Election Week or Election Month. There are security issues to be thought about. We're talking about having Election Day every day for an

extended period of time. We have to think about locking up and securing the ballots every night, over a weekend. The possibility of ballots being tampered with is very high. That's just because the same close up process is going to have to be repeated night after night. There is also the issue that this would save us money, but I don't think that that's possible. Waterville and former Bangor City clerks came to the testimony and, through our line of questioning on the committee, they answered the question by basically saying that there could be savings but they're not sure that there were any savings when they had the pilot project a few years ago. The only way that there could be savings was if they had a facility to accommodate early voting. We know many of us represent very small towns and territories throughout the state of Maine that do not have the facilities to conduct an early voting every day Election Day operation. Also this amendment is permissive. It does not require every town in the state to adopt the early voting process that we would create here in the Legislature. The Constitution provides this right for all citizens. Under this amendment to our Constitution not all Maine citizens would have the same opportunities to vote that some others might. If this is the best and most efficient way to vote than why are we not Mandating it for every town in our state? This bill would do nothing to increase access to the ballot, reduce election costs, or increase the participation rate of the populous. We already have a process whereby people can vote early and conveniently. This amendment to our Constitution is unnecessary and should be defeated. I would urge you, Mr. President, and members of the Senate to vote against the pending motion. Thank you.

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

Senator **TUTTLE**: Thank you Mr. President. Members of the Senate, this was a 10-3 report from the Committee on Veterans and Legal Affairs. As you've heard, this Resolution proposes to amend the Constitution of Maine to require the Legislature to authorize a process to allow a qualified voter to vote at a polling place. The amendment eliminates the language in the Resolution that requires the Legislature to authorize early voting by voters within and outside their places of residence and instead directs the Legislature to authorize a process of early voting that allows voting to occur in the same manner as on Election Day during a period immediately preceding that election. It is my opinion, and the opinion of the majority of the committee, that early voting provides for more convenient voting, eliminates long lines at the polls, and reduces pressure on election officials. We received much testimony from the clerk association on how this would benefit not only the towns but also benefit the voters of the state. The current system of voting in the presence of a clerk, often called early voting in Maine, is labor intensive and has been a burden for local officials. I know many of us have been local officials and have seen the process. As has been mentioned, early voting pilot projects have been very popular and help ensure the citizens have the most access to the ballot box. I was talking with the good Senator from York, Senator Valentino, about the Saco process. It went very well. Every other community that has had this process it has worked well and I'm hoping that we will allow it to have it go statewide. This is essentially the same procedure as absentee voting in the presence of the clerk, but reduces the unnecessary steps that place unneeded work on local election officials. The Secretary of State's bi-partisan Election Commission recommended we make this change to our voting laws. I would ask that we would join 32 other states, support early voting, and do the right thing. Thank you, Mr. President.

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

Senator **GRATWICK**: Thank you very much Mr. President. I rise as well in support of this particular legislation. Bangor, Portland, and Readfield were the first three to start this off three and a half years ago when I was in the City Council. The voters in Bangor loved it. It worked very, very well. The thing about it is that it gives you a 10 day window so people can go in, they can be sure that their vote is counted. It's absolutely secure. The nice thing is that we all don't work from Monday through Friday, 5 to 9. If you have Tuesday as your day off you can go in then and vote. It's become very convenient for people. The nice thing about this as well is it leaves it up to local control. If your town does not want to have this it does not have to do this. If your town wishes to go this way you can follow that path as well. Maine, as I think we all know, is very proud of the fact that we have the highest voting percentage in the nation. My opinion is that it is still not high enough. I think everybody should vote. We need 100% of people voting. I think this is a step in that direction and I greatly support this. Thank you, Mr. President.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, I just wanted to correct an inadvertent mistake that I believe my colleague made in terms of the committee report here. I believe it is correctly reflected on the calendar, the committee report was 8-5. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK**: Thank you Mr. President. I believe it is time for true early voting to come to Maine. Early voting reducing congestion on Election Day, it helps eliminate long lines at the polls, it reduced pressure on election officials, it provides an important convenience to many voters, and it contributes to a more secure and orderly process for the conducting of elections. Today some municipalities run what is often called early voting, but the technical name for this is in-person absentee voting. The voter appears in person before an election official at the town office or polling place and is given an absentee ballot without having to complete a written application. The voter fills out the ballot then and there, seals it into an absentee ballot envelope, signs the envelope, and turns it in to the election official. The ballot is not actually cast. It is opened or scanned or recorded by election officials on Election Day or, most recently, the day before. True early voting, where the voter completes the ballot and puts it into the ballot box or scanning machine direction on the day they vote early, is not allowed by the State Constitution. Without early voting, the high volume of absentee voting is one of the biggest issues facing our local election officials in managing the smooth operation of our elections. Sitting on the Veterans and Legal Affairs Committee for my 12 years in the Legislature, that has been the number one biggest complaint from our election

officials. In some municipalities absentee ballots constitute up to 60% of the ballots cast and, because these require special handling by election officials, they are extremely labor intensive. Over the years Maine has tried a number of different approaches to alleviate the pressure on municipal officials that this trend has caused. Suspending no excuse absentee voting three days before Election Day, this is current law. Absentee ballots are not available after the Thursday before Election Day without a signed affidavit attesting to a valid excuse. Mr. President, I believe this has caused some confusion with election officials and voters and there seems to be some evidence that it has reduced the number of voters utilizing absentee ballots.

Of the other measures that have been tried over the years to reduce the pressure of early absentee voting, the only one that is damaging to voter participation may be the one that we have now. Because the processing of absentee ballots is labor intensive for towns and election officials, and because the percentage of ballots cast absentee has grown over the years from 50% to 60% of total ballots cast in some municipalities, this process is a stress point for local election officials. True early voting probably offers a more secure, orderly process for the conduct of elections. I would ask the Body to please support L.D. 156. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cain to Accept the Majority Ought to Pass as Amended 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 (#395)

YEAS: Senators: ALFOND, BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFSKY, GRATWICK, HASKELL, HILL, JOHNSON, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT PRO TEM – TROY D. JACKSON

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CAIN** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "B" (H-587) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

The Senate called to order by President Pro Tem **TROY D**. **JACKSON** of Aroostook County.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **ALFOND** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Aroostook, Senator **JACKSON** to his seat on the floor.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Allow All Veterans To Be Eligible for In-state Tuition Rates" (EMERGENCY)

H.P. 1267 L.D. 1768

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Make Available to the Public Certain Information Concerning the Alcohol Content of Malt Liquor, Wine and Spirits" (EMERGENCY)

H.P. 1265 L.D. 1763

Comes from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

On motion by Senator **TUTTLE** of York, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

Pursuant to Statute
Department of Agriculture, Conservation and Forestry

The **Department of Agriculture, Conservation and Forestry**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 33: Agricultural Development Grant Program, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

H.P. 1268 L.D. 1770

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Pursuant to Statute
Department of Environmental Protection

The **Department of Environmental Protection**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a Late-filed Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1270 L.D. 1772

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

Pursuant to Statute
Department of Environmental Protection

The **Department of Environmental Protection**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 106: Low Sulfur Fuel, a Late-filed Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1271 L.D. 1773

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Pursuant to Statute
Department of Education

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1272 L.D. 1774

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

Pursuant to Statute
Maine Land Use Planning Commission

The **Maine Land Use Planning Commission**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 13: Metallic Mineral Exploration, Advanced Exploration and Mining, a Major Substantive Rule of the Maine Land Use Planning Commission (EMERGENCY)

H.P. 1269 L.D. 1771

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Pursuant to Statute
Criminal Law Advisory Commission

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, the Maine Juvenile Code and the Maine Criminal Code and Related Statutes"

H.P. 1266 L.D. 1764

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

Off Record Remarks

RECESSED until 12:45 in the afternoon.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Related to the Report of the Tax Expenditure Review Task Force"

H.P. 1264 L.D. 1762

Reported that the same **Ought to Pass**.

Signed:

Senators:
HILL of York
CAIN of Penobscot

Representatives:
ROTUNDO of Lewiston
SANBORN of Gorham
ROCHELO of Biddeford
CAREY of Lewiston
JORGENSEN of Portland
FREY of Bangor

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

Signed:

Senator:
FLOOD of Kennebec

Representatives:
CHASE of Wells
KESCHL of Belgrade
WINSOR of Norway
CLARK of Easton

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

Senator **HILL** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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

Senator **HILL**: Thank you Mr. President. Colleagues in the Senate, I was thinking about a speech today, but I really would prefer to talk to you than make a speech, although I will refer to some of my notes. I've given a lot of thought to what we're doing here and what we are proposing. I'm also hearing two questions frequently, which are, first; why and then; why now. I think it's only fair. It's a complicated subject and there have been a lot of stories spinning around it and a lot of assumptions and the public have heard different versions. I just want to remind you, in terms of why. Revenue sharing was dealt with in the original biennial budget that we all worked on last year. You might remember that when it first came to Appropriations there was to be a total elimination of it for two years, but by a very strong majority, I want to remind everyone who voted for it and voted for an override, we, in fact, restored a good portion of it. Then we were faced with limited resources during the budget process. It's not easy for us to come up with solutions. Every member of that committee knows how difficult it is and we turn over every stone that we are aware of. Finally we chose $40 million and we asked a task force to take it on for us and look at tax expenditures. Now you might say, "Well, why $40 million and why would you do that with a task force?" We did have testimony, we had information, and we also had a lot of interest from everyone about tax expenditures and the fact that there are probably billions out there in the state of Maine. Maybe it's time to rein some of them in. Maybe they've served their purpose. Maybe they've never served their purpose. Maybe they are not serving their purpose to the degree we hoped. Quite frankly, we need revenue, so it was a place to look. In order to do that there was a technicality that we had to address. We cannot just set up a task force, task them with going and finding money, and then find out it didn't work. Most of the time the task force does come back with the money, but in the event that they don't the technicality that we are required to address is called a contingent reduction. Again, it's a budget term. We had to use that and we said, "Okay, we'll take $40 million from revenue sharing as a backup." Only as a technicality, we never, never, never wanted to go there. Unfortunately we had an idea about this task force that just couldn't come to fruition. I know how hard they tried. I know how much they looked at it. The fact is they couldn't rein in those kinds of dollars in the amount of time they had to and a lot more work has to happen on that. I can tell you, from the Appropriations point of view, that is far from finished. Nonetheless, it came back with a $40 million hole.

Back to; Why? Why are we looking at this? It's because it's our responsibility, as the Appropriations Committee, it's our responsibility as legislators, to stick to the promise we made last year. This is not new money. This was a promise of $40 million being restored to our municipalities. I think along with the promise we created an expectation. How could you expect otherwise? The next question was; Why now? That's been talked about quite a bit. I hear, "It's not the time," "We don't need to do it now, " "It's a fiscal year '15 issue." Quite simply, it's not. Why isn't it? Because even though they get the money in '15 they, the municipalities, just like the State, need to base their budgets on a revenue forecast. They need to know what's coming their way to draft their budgets. More importantly, they are doing those budgets right now.

We, in Appropriations, have worked hard for a month. We recognize this issue right out of the gate when we came back. We made it a top priority. We came up with a plan to fund the $40 million. Again, remember, this $40 million was already appropriated, not new money, just finding the funds to follow through on our promise. I'm sorry we couldn't come together as a committee, but, nonetheless, the Majority report voted out a solution that we think will help the municipalities. Essentially, we took $21 million from the Stabilization Fund. It has close to $60 million prior to doing that. We took $15 million from Revenue Reforecasting, that occurred not too long ago. We took another $4 million that already exists from the Tax Relief Fund. We didn't arrive at these numbers easily. We weren't Pollyanna's about getting there. We realized the components of this solution have a positive impact on municipalities and real property owners, be they business or residential. Just as important, when we looked at these components to create this solution, we didn't feel there was a negative impact, be it on Maine or Maine's people. These components do not impact Maine's bond ratings. Before settling in on these components we looked into all them, including our bond rating. We ran ten years of stabilization funds against ten years of bond ratings. We did not see a significant difference. Then we took it a step further. We said, "Well let's talk to the people who do the ratings. Who knows better than them?" We got in touch with Standard and Poor's. We got in touch with Moody's. They assured us that they have a number of items, or standards, that they apply in terms of bond ratings and that they would not down-grade any bonds for states because of one item. I know we're all thinking about reserves.

I guess I've got to think about what we started out with. Why? and Why now? It goes back to the promise to do it in the first place. We made that promise and we actually appropriated it. It goes back to a promise to do it now, when they are expecting it. Don't even forget that this is not the full promise. They would be getting much, much more money from the State of Maine based on their 5%. This is just the best we could do to make a promise given the hand we were dealt. I hope that you will support the municipalities and vote for L.D. 1762. 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, good afternoon. Typically I would stand with you on a bill like this and discuss the long hours of collaborative work within the Appropriations Committee to work together and forge a consensus. I'm sorry that I'm not in a position to do that today. There will be no surprises in what I'm about to say. I've said it many times in our committee. I respect the work of my colleagues, Senator Hill and Senator Cain, as always, but I differ with them regarding this particular bill. I don't say that lightly. First, I want to say that I am a strong supporter of revenue sharing. My committee amendment, during the biennial budget deliberation last year, restored $125 million to revenue sharing and I accomplished that with a very difficult decision to increase sales tax and meals and lodging tax. It was done with the intent of maintaining reasonable supports to communities in the hope that they would not have to raise property taxes. Largely, I think, that was successful. I thank you for the support

of that budget. I think that the communities and the people of the state understood and accepted that concept, even though not everyone agreed with it here. However, I want to voice opposition to this bill before you on two general premises. Number one is poor timing. Number two is lack of certainty. I believe that, as an appropriator, it's my duty to guide you cautiously on fiscal matters and to do that with the best possible data. I'm voicing that caution to you today. In several days, February 22nd, we'll have a new revenue forecast. For those of you who don't know what that means, the revenue forecast is the official documentation of revenues available to the appropriators for adjusting our budgets. We can't just make up how much revenue we think we're going to have. The revenue forecast is the statutorily significant information that directs us. On the 22nd the revenue reforecast will be provided to us in two pieces. Number one is the piece that reflects more or less available revenues from now until June 30th of this fiscal year and then a separate piece for more or less revenues available to us for fiscal year '15. We'll get that update in ten days. It is unclear to me why we would wish to rush this very important decision in the bill before you using $40 million of revenues for one particular and very important use, revenue sharing year '15, based on relatively old revenue information when, in fact, if we wait until February 22nd we'll have the most accurate information upon which to base this complex decision. We have other very important decisions upon which to base here. We have several decisions that will require expenditures up to $100 million more dollars in fiscal year '14 and '15. These are General Fund shortfalls that the Appropriations Committee still has to deal with. In my view, it's untimely and unnecessary to take action now that perhaps could be converted into a far better action by simply waiting ten days to take such an action.

It may seem ironic now, but I tell you that, in fact, several years ago we asked the Revenue Forecasting Committee to change their forecasting schedule so that in the future we'd be able to get a timely forecast in February, in the short session, for this very reason. We should use that information that we know full well is forthcoming. We should wait for that information before plowing ahead without certainty and to avoid making a potentially bad decision, requiring a do-over later in the year. I fully understand the passion to support our municipalities. However, that is a year '15 matter that can wait a little bit longer. We have over $50 million of urgent year '14 needs we must address, primarily regarding, I would say equally important, Riverview Psychiatric Hospital and MaineCare related shortfalls. If we utilize much of our easily available funds now, such as our current revenue overage and/or a large portion of Stabilization Fund, for a year '15 issue without having enough funding to take care of our current and more urgent year '14 obligations that need to be cleared up before June, that need to be done before we leave here in April, than we have seriously missed the mark. We can probably remedy that, and probably gain greater support for year '15 issues like revenue sharing, by waiting a few days. We'll know what we're dealing with on the revenue side of the sheet. We can also take this same time to better understand the proposing spending side of the ledger. Both are very important. Our revenue reforecast might change the picture significantly. It may not change it much. We don't know. It may make it worse in one year or both, or better in one year and worse in the other. We just don't know until we get the numbers. I've been through this for eight years and I know that sometimes revenue forecasts come with big surprises. I urge my colleagues to not jump to be so supportive of municipalities that in this zest we fail to think this through clearly and maintain the resources necessary to balance equally important budgetary needs in year '14. If we think clearly about this, we could perhaps avoid having to revisit this matter in mid-April or, worse case, mid-May or mid-June. Please wait a couple of days and we can get this right. I suggest we somehow park this bill for a few days, get better information, and make a more appropriate decision based on this better information. I've asked my committee's leadership to reconsider our vote that exempted the bill from the table. My understanding is that that's not going to happen. I think that's too bad because pending Enactment, like any other bill, the bill could have been sent to the table and have been set aside for future final fiscal deliberations anytime throughout the session and that any time could be well in advance of April 15th.

Things change and we sometimes need to wait for changes. I would say let's wait for some certainty here so that our municipalities will not be led into some false sense of closure on this matter. I believe we won't possibly be able to address this appropriately until we have fulfilled the immediate obligations for fiscal year '14; $57 million is staring us in the face. I debate this matter not on policy. I debate this matter today simply on the basis that we won't have solid knowledge for another couple of weeks. In the past we have made similar decisions on the usage of the Stabilization Fund, but we waited until we knew what our future revenues were going to be. Decisions to utilize the Stabilization Fund are always tough ones, always controversial, but they are made easier when we have full knowledge of what we're doing. I would say we don't have that knowledge now. In closing, I want to just say to you, my colleagues and my friends, that usually time is not on our side. In this case, I think, time is on our side. I would ask you to give this bill a few days' rest. I think we'll all be glad that we waited. I thank you for the opportunity to speak. 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, to me this bill is very straight forward. It is simply about creating the opportunity for our towns to have some predictability and the ability to plan their budgets and lowering their anxiety; the anxiety of the town managers that we've heard from almost every single day, the town councilors who sent us e-mails and who came to this State House repeatedly during the prior session as we worked on our biennial budget. Then it was about what revenue sharing they would get at all. Now it's simply about getting the revenue sharing that we told them that they would have. This is not about new spending. It's not about new money. It's not about somehow making it a little easier for them. Let's remember they are already getting less than they were expecting. We're simply shoring up the $40 million that we said we would give them. The tax expenditures report, as far as I'm concerned, is still very much on the table. It is very much on the table in the Appropriations Committee room, in the Tax Committee room, and before this entire legislature because those are conversations we can't afford not to have. I just don't think we should be having them at the expense of our municipalities' abilities to plan their budgets for the upcoming year. Probably like me, a lot of you are starting to get notices about town meetings or about public hearings on local budgets. Time may be on our side, but time is not on the side of our municipalities who are obligated to create

budgets and get them out to referendum, in many cases, or town meetings before we even finish our work.

As the good Senator from York said, this bill is pretty straight forward. It uses simply three funds. One, the tax relief fund for Maine residents. How appropriate. Four million dollars that otherwise would be doing nothing for Maine tax payers this year and now can go to offset property tax increases. Fifteen million dollars from revenue reforecasting. Twenty-one million dollars from the Budget Stabilization Fund. It's that last one that we take especially seriously. That's why, in the bill that's before you, it specifically includes language that amends the year end cascade. What does that mean? That means at the end of the year there is always extra unspent revenue that we determine flows to certain places. It goes to the Chief Executive's Contingency account. It goes to the Finance Authority of Maine to secure some of their programs. In our case, it also goes to pay the cost of living adjustments for some of our public retirees who have been impacted by the recession. Then the next thing in line was $40 million in revenue sharing. That was actually on top of the $40 million that they were going to get, that we're protecting now. The bill actually amends that. Now it says that instead of additional money going to towns it now will go directly back into the Budget Stabilization Fund. We know, and as the Senator from York outlined, the bond rating agencies do look carefully at how we spend and plan and save our money. In fact, they specifically look at our fiscal policy and support systems and inter-governmental funding, our financial and budget management, our budgetary performance, and our debt and liability profiles. In the last ten years, as we have seen the Budget Stabilization Fund range from $190,000 to $129 million at different points in the last ten years, only once was our bond rating at all impacted. It was in a year that we had added money back into the Budget Stabilization Fund and we were on our way back up in those numbers, because otherwise we do a good job with our planning. We restore that money right away. It could be as soon as July.

Mr. President, when we talk about this very simply bill it really comes back to enabling towns to do their job so that we can get back to work with the immense tasks that is still before us with Riverview, with the DHHS shortfalls, with other spending initiatives that fell short of their proposed savings, with the so-called Rosen Report, also known as Part F, in the budget with corrections, with spending bills, with bills being heard across state government right now, and with tax expenditures. I believe it is timely and necessary to do this now so our towns can plan and so we can move onto our other work, because whether we do it now or in a few weeks the things before us do not change. What we do today is enable our towns to have predictability and planning. I ask for your support for this bill, for your towns and for mine, so we can get back to work and get the rest of our business done and go home. Thank you, Mr. President.

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

Senator **WOODBURY**: Thank you Mr. President. The things before us do not change. I'm concerned that our state's structural deficit has reached a crisis level and that's very much a part of my views on this bill. We have before us in this biennium three clearly identified gaps. One gap is the $40 million that the Tax Expenditure Commission was tasked with finding a way to close. A second gap was the $34 million gap that the Office of Policy and Management was tasked with finding spending reductions for. We have a something in the ballpark of $100 million gap in our Medicaid program. All of this is within our current biennium. This is a biennium when, even in order to do what we were doing, we had to impose a temporary tax increase. Even doing what we were doing, we couldn't meet what we said we were going to do in our laws, in terms of school funding. Even doing what we were doing, we couldn't meet the normal revenue sharing target. You put these things together and, looking on the horizon, our structural gap is serious, it is large, and needs to be addressed. That brings us to this one piece of that gap, this $40 million in the current biennium. This was put in place by a large vote of this Body to be addressed by a Tax Expenditure Commission. The bill before us, which has the title of "Tax Expenditure Review Task Force," uses the Rainy Day Fund, as much a temporary, short-term, solution as there is in state government. It does not address the short-term issues in any real way and it certainly hasn't addressed the long-term structural gap in a real way. That leaves me to want us to take the little more time that the Senator from Kennebec, Senator Flood, has recommended; more time to do something serious, something serious that we all agreed should happen within the Tax Expenditure Review Commission, a serious change that would address those issues, and, even more importantly, something that deals in a more significant way with the property tax burdens of resident homeowners in Maine. I don't think this bill is ready to be voted on in this Body. I'm going to be voting against the motion. I think more time. Obviously, the session is a short one, but some more time to try to do something more serious, I think, is the responsibility of this Body. Thank you.

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

Senator **MAZUREK**: Thank you Mr. President. Ladies and gentlemen of the Senate, as you know, I represent Knox County and Rockland is a major community there. We in Rockland carry a pretty heavy tax burden. We are a service center for the region. We offer a lot of services. Revenue sharing has helped Rockland continue to play a very vital role in the Mid-Coast region of Maine. If we start cutting into revenue sharing and start putting more and more burden on the tax payers, the property owners, we're going to begin to lose them. Many of our citizens are struggling right now. I don't know how some of these people maintain their homes, paying property taxes, and feeding themselves. Some are making choices, I think. Heat or food. Heat or taxes. We have a responsibility. We are a State Legislature. Don't dump our responsibility as a State Legislature onto the local communities. They are struggling with their own problems. We don't want to magnify those problems any more than we should. No one wants to see taxes go up. No one wants to see taxes extended, but I think we have to be realistic about it. We have a responsibility. I think we should live up to that responsibility. Thank you.

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

Senator **BURNS**: Thank you Mr. President. Ladies and gentlemen of the Senate, I don't mind admitting that this is a very confusing issue for some of us. Not all of us have the advantage of what some of the good Senators have spoken do, sitting on Appropriations. It's less confusing to me about the need to

support revenue sharing, which I think most everybody in this Chamber probably agrees with, as do I. The confusing part, to me, is what I've heard voiced here today and what I've heard for the last couple of weeks. Why are we following this process right now? Why are we rushing into this before we have all the facts on the table? Again, I don't understand in detail all the issues the way the Appropriations folks do that represent us there any more than they probably understand some of the issues that I grapple with in my committee. I understand that if you move ahead without a lot of good solid evidence to do so, you can put yourself in a box real quickly. As my good seatmate here just mentioned, we have more than just one financial crisis that we're facing. Some of them are due in 2014. We're not addressing those issues. Yet, here we are. With all the logic that I've heard, it still doesn't convince me that we need to be jumping ahead before we even know what the revenue forecasting is going to be. Neither do we need to be depleting the Rainy Day Fund more than it already is. It already is a very tenuous situation. At least that's what my information tells me. We should be building it up, not draining it down right now if we want to keep this state stable. I'm really confused. I wonder about the motivation. I don't know what the motivation is. I only know what mine is. It's just as difficult for me to go back to my communities and say this isn't the right time to do this as it is for all of you. I also am willing to say to them that my best judgment and my best advice from the people that I depend on to give me the hard facts tells me that this is not a rational move that we're making right now. The plea is only to wait a couple of weeks. My goodness, a couple of weeks. With the amount of time we burn up here in this Chamber, it's nothing. I think we ought to stand back and take another look. I want to be able, in good conscience, report back to my communities that what I did was in the best interest of this state and the best interest of my communities, because if we're unstable in this state so are my communities. We have an obligation, and I have an obligation when I came here, to act based upon our best judgment and best information. The best information that I'm getting is this is not a rational step right now. This is a dangerous step that we're going to box ourselves into and why go through it if we're going to end up coming back. Gosh, I even heard maybe in May or June. That's not going to help the state a bit. I guess I would implore people to give this one more thought. I want to be able to vote on this in good conscience, not for what it might gain me someplace down the road, but in good conscience for what I've been sent here to do. Sometimes that's always possible. I was just thinking about a quote that I read this weekend from Isaiah. The question was asked; How long do you halt between two opinions? I'm not going to halt any longer. I'm going to vote against this. Thank you, Mr. President.

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

Senator **CLEVELAND**: Thank you Mr. President. Men and women of the Senate, I'm going to vote in favor of this motion today because this is what's presented to us today. This is the choice that we have. It is clear to me that we made a commitment to the communities in this state when we passed the budget last year that we would provide revenue sharing at the level that we put into the budget. That included the $40 million that we have before us now, which has presented us with a shortfall. Communities, and I know this as a Mayor and a Councilor, having worked on these budgets for eight years at the local level, need predictability and consistency, just like businesses do. They need to plan for the future. They need to know what their revenues are going to be so they can understand what the level of services are going to be for the necessary needs of their community. I'm also going to vote for it because I have not heard from anyone any other realistic choice that, in the next two weeks, could possibly be a different option than what we have. If I knew there was some other realistic way to do it, I would like to do it. In fact, my good friend and seatmate, Senator Woodbury, has some creative and thoughtful ideas. Unfortunately, I don't think that in two weeks they are going to gain sufficient support in two Bodies and from the Executive to become effective, but they are good ideas.

What I need to do is figure out how to solve the problem that is before us today in the short time that we have. We don't have the luxury of working on complex, difficult solutions that require lots of discussion and lots of consensus building. What I do know is that my city of Auburn will lose $1 million if we don't fund this $40 million. That's a lot of money in the city of Auburn, in a community that's already cut its budget to the bone, in a community that has one of the highest tax rates in the state of Maine. It's not that they haven't taxed their own people. We are to the point of great pain to just provide basic services. I know that my community of Poland will lose more than $137,000. That's a lot of money. Just in today's paper the school district in that area said that their next budget is going to include substantial increases just to meet the basic needs. Half a million, three-quarters of a million, just for the education portion. New Gloucester will lose more than $120,000. That's a lot of money for a small community. Durham will lose more than $88,000. These are going to mean making choices on basic services. Cutting back further on the police protection, fire protection, emergency management services, rescue squads, basic road maintenance and repairs, and the support necessary for our schools. In addition to that, they'll have to raise taxes. We made a commitment that we would fund this. We have a responsibility to live up to that commitment. My municipal leaders who have contacted me have expressed that. I have said that that is a commitment that we made and I'm going to live up to that commitment. I'm not going to renege on it.

In addition to this, we've reduced the circuit breaker so folks who are on the lower end of the scale have less money to help them pay those taxes because we've cut that in the biennial budget. We reduced the Homestead Exemption so we put more of a burden on the lower income homeowners, property tax payers. I will admit freely that this is not a perfect solution at all. It's a short-term solution. It takes money out of savings accounts to pay ongoing costs. Not the best policy. I don't have another solution. I haven't been presented with one. I don't see the options for one. This is what I've been presented. This is what my choice is. I wish it wasn't, but it is. I also recognize that this is not the only budgetary problem that we have. It has been stated here that we have $100 million in Human Services and another $35 million in shortfalls. Those have to be solved as well. Those are outstanding in this biennium. What I would recommend is let's solve the problem we have before us, even though it's not perfect, with the resources we have now and let's send our Appropriations folks back to their work and let's look at some of these other creative ideas over the time that we have left in this session and let's put those in place to solve those problems. It is not that we don't have other problems to solve with creative

ideas. We have plenty and we need to implement them. Today, on this bill for this purpose for our communities, I will be supporting the motion, Mr. President.

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

Senator **MILLETT**: Thank you Mr. President. Ladies and gentlemen of the Senate, I know many of us in this Chamber, like myself, are either former or current Selectmen, Town Councilors, or school board members. We are all very much aware of the process that these individuals are going through right now. It wasn't so long ago that I was sitting in a room full with my fellow school board members trying to figure out how we could possibly plan responsibly for our school budget without any true comfort or safety in knowing what the State was going to be doing. These men and women, my former colleagues, often give up hours, days, and weeks of their time in an effort to be good and responsible stewards to our communities. I am here to help them do that. Many of these individuals remain my friends and I'm going to have to look at them in the face and say, "Nope, sorry, we couldn't do it. We couldn't manage to get you the information that you needed. You're just going to have to figure it out again. Good luck." I can't do that. The difficulty that we went through year after year of trying to know how much money that we can put into our schools is just too much for me to participate in. That is why I will be supporting this measure today. Thank you.

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

Senator **LACHOWICZ**: Thank you Mr. President. Colleagues in the Senate, I've been listening here and in the time that I've been here in this Body as a whole I've heard lots of people talk about tax reform or we need to do this or we need to do that, and we need to take the time to do that. That's kind of what I've heard today too. I've also heard from people in my town. I've heard from elderly people who can't afford to put fuel oil in their tanks. I've heard from my Mayor. I've heard from town managers in the towns I represent. I think they deserve better from us. What we need to do is support them as they go through their budget process because the reality is these are the teachers that educate our children. These are the firefighters that may respond to your next chimney fire. I had one a couple of years ago. They were awesome. They are the police officers that will respond. They are the people that are going to filling, maybe even today, the potholes that have come up with all the freezing and thawing that's happened. That's what our towns do. I can't, in good conscience, take away their ability to make plans to take care of all the residents there because they expect us to do better. They expect better from me. Thank you very much.

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to stand for a minute and say that I am going to vote for this bill in very good conscience. The reason why I have a very clear conscience about this is that I started in this Legislature 12 years ago and, to be honest, revenue sharing was something I didn't have a very good grip on. At the time I wasn't a homeowner. Relatively young. I was trying to make a living when I first got started here. Property taxes and the idea of what revenue sharing did for our communities was something that was really quite a long ways from my mind. As the sessions rolled on and these talks about cutting revenue sharing kept happening and I kept getting more and more understanding of what it actually meant, I started becoming more and more resistant to doing that. Quite honestly, in the 125th when we passed tax cuts, unpaid-for tax cuts at the time and we did it while taking away some of the revenue sharing, that was a big reason why I didn't support that budget. When we came back last year, quite honestly, my big goal was to push those tax cuts off for a session, not have the total elimination of revenue sharing paid for by those tax cuts. That was where I was heading at all times. That wasn't something that we could get for consensus here in this Body. I stood here last session, actually in the chair that my good friend, Senator Haskell, is in, and talked about how proud I was of the work of Senator Hill and Senator Cain and Senator Flood because they truly did work on a very tough budget and came to, what I saw, a great agreement, even though it wasn't what I wanted. In that agreement was the commitment for this $40 million and, obviously, if you didn't vote for that budget I guess you can talk about it differently. For anyone that did, there was no way around it. It was a $40 million commitment. Here we are today, trying to decide how we're going to make that $40 million up. I've looked at some of the counties, what they're going to actually receive for money, and Aroostook County is going to be $2.6 million. Franklin is going to get $740,000; Hancock almost a million; Kennebec $3.5 million; Oxford $1.7; Piscataquis $530,000; Somerset $1.6; Waldo a cool million; Washington almost as much with a million; York $5.1; and Penobscot the big winner in this most unwanted contest with $5 million or $4 million that they stand to lose if we don't do something here today. That's a lot of money for a lot of people out there that are tax payers. You know, the idea that our economy is getting better, whenever you go ahead and make this commitment go away and people know that they're going to have to pay high property taxes, you can be rest assured that some of the people are going to hold back on their money. They are not going to be out there buying things and keeping this economy starting to pick back up again. I think it's two-fold in that. If you look at this, and you say that it is a commitment, if you believe that the $40 million in the budget was a commitment, I can't understand waiting ten days because waiting ten days seems to suggest, to me, maybe things are going to be bad and we're going to have to back up on that commitment. That's not a commitment. If we know we have to pay $40 million to our towns and cities then we're going to have to pay it now or in ten days, regardless. The idea that we should wait to see how things are only suggests to me that there is a possibility that we're going to back up on that commitment. I don't want to do that. I think that many of us that supported the past budget didn't want to do that, even though it wasn't everything that we hoped for. As has been said, it's not perfect. It was a clear commitment that the towns and cities in this state know that they're going to get that $40 million. Today we're talking about making that happen. I think we're already in a box. I think we've made the commitment, that we need to pay the $40 million. Some people in this government think that we shouldn't be doing this at all. We don't really have a whole lot of wiggle room here. If you believe that that $40 million was a commitment than you have to do this now. There doesn't seem to be any sense in waiting because waiting only suggests to me that you're going to break that commitment. I'm not willing to do that, ladies and

gentlemen. I would certainly ask that you support this budget, this bill, because, to me, this is the only way that we're going to be able to keep good on our word. We've talked a lot about, in this 126th Legislature, making sure we pay our commitments. Commitments to our hospitals. All kinds of things. Let's do that today. Let's make good on our $40 million commitment that we supported last session.

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

Senator **SHERMAN**: Thank you Mr. President. The last time I got up and spoke I was the last speaker, so I hope you follow that trend. Just some observations. Some of us on this side of the aisle, if you remember, voted for half a cent on the sales tax. I guess that's been forgotten. My understanding is that it would put out somewhere between $80 million to $90 million. Interested to know where that went. It also had a half cent on the meals and lodging tax. We haven't seen that final one. I'm getting a gesture here. It was around $40 million, so you're talking somewhere in the vicinity of well over $100 million by raising a half cent on the sales tax and meals and lodging. The meals and lodging one, I guess, is a surprise because they thought people eat out less but apparently if you've got enough money to go to a high end eatery that money is still coming in. Just three other little points, if I may. My Senate district starts with Amity and ends with Weston. All a series of small towns. I talked to, again, the town manager of Weston. He said it's a small budget but he said, "We don't count on the revenue sharing. Never have." They always put the budget together without the revenue sharing. There are three or four other towns that do the same thing. I'd to second the good Senator from Cumberland, I hope it's Cumberland, who was talking about that we should really take a good look at this. I think he's put his head on the line. He's not coming back next year and may be doing something with that. Maybe in the future we'll see something from the gentleman. The other little point, and it's just how you look at this massive amount of paper I got from each and every town. You start dividing out the differences, the losses, here and some towns, Houlton is about $36 a head. You've got a family and all that. The little town of Hodgton would lose, in cents per person, $22. I know it would go onto the property tax. I know what certain people do with figures. This is something we should take a look at. As I understand this particular bill that came out of Appropriations, it's not an emergency measure, so it doesn't need two-thirds. Apparently some time it will kick in, whether you're talking 2014 or 2015. Thank you, Mr. President.

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

Senator **TUTTLE**: Thank you Mr. President. Members of the Senate, I always have a quote, "Like the previous ten speaks, I have nothing new to add but I believe I do." This is probably the number one issue in my district, as I'm sure the rest of us can say here. I've always been one to say that I'm here to represent the people of my district and not represent my interests. I think most of us who have been here a number of years believe in that. I received much communication from my district. I know the impact to the town of Alfred in my district, losing another $2,500 in revenue sharing would be devastating with the result to tax payers and renters as well. Towns and cities around the state of ours would be in great jeopardy. Budget process has been a very emotional period for all of us. The town of Alfred received $197,000 in revenue sharing initial in 2009 and, if projects are correct, that will be $36,000 this year. While the $40 million is not the whole answer, it would provide, in my opinion, a degree of stability for Maine cities and towns. It is no leap to suggest that our future economic stability is tied to the health and expansion of small business. That's the backbone of Maine and it always will be. I believe 97% of the businesses in Maine are 15 and under.

Now to revenue sharing and the challenges we face. In my opinion, Maine is not open for business. The huge uncertainties to those of us in our business community and government face every day cast a long shadow on everything we do. There seems to be no escape from the difficulties we face. State and local government cannot help grow a healthy Maine with a motto of doom and gloom. Rather we need certainty in our governments at the state and local level. State municipal revenue sharing has been a 40 year partnership between the state and local municipalities. I believe it was established in 1972. Having been a Selectman in my home town for a decade, I will be supporting this bill today.

Our state has been through three recent tax payer referendums pertaining to the disproportionate burden on our tax payers. As legislators, we have experienced the direct impact of these initiatives, yet we do bear much of the cause of such discontent. As a state, we struggle politically to provide a tax code, incentives in certain areas, without the ability to provide offsets. The businesses in my district, and particularly in my hometown of Sanford, stands to lose 86% of property tax relief only provided from these broad-based taxes. I think as legislators we have, at minimum, the ability to support this bill and bring revenue sharing back to at least 40%. As municipalities, we can no longer suffer the tax shifts created by the state's actions. Maine residents and businesses are bearing a disproportionate burden within property taxes. Cities and towns have adjusted our fiscal matters pursuant to the direct response of our people. I ask that you now do the same and start the restoration of state municipal revenue sharing now before we face yet another tax payer referendum. Thank you, Mr. President.

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

Senator **THOMAS**: Thank you Mr. President. Ladies and gentlemen of the Senate, last spring we made a commitment to our cities and towns to fund revenue sharing at its current level. I didn't like the way we funded it last year with the possibility of taking the sales tax exemption off groceries or charging sales tax when somebody bought a seeing eye dog. I think if we're going to do away with some of those sales tax exemptions we need to evaluate them to see if they are working and to see if those exemptions actually do the things for our economy that we believe they do. I don't like the way we're going to fund this now any better than I did last spring. I think taking money from the Rainy Day Fund is not the correct way to do this. I want to honor that commitment. I want to take that off the table for our cities and towns. We've got two months to fix it. We changed the way we were going to fund it between last spring and this spring. We can change it again. Let's take the worry away from our cities and towns. Let's honor our commitment and then let's find a better way to fund this. We can do better than this bill. Thank you.

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 in support of our honoring our promise on revenue sharing for towns. I want to talk about several of the issues that have been raised. First of all, I have 21 towns in my district, and plantations, which some of them still have a town meeting form of government, deciding what they are going to do about a budget. A number those are going to happen in March. Our waiting another week and a half to start talking once again about alternative ways makes no more sense than people arguing as they leave the fire department which road to take while the fire burns. I think it's more important they proceed to get there in time to make a difference. These are people who are trying to make their budget decisions now. Yes, this is not an emergency measure, but if we pass this there will be certainty for them in knowing that those monies will be there and they can plan on that for their budget purposes. That, to me, is part of the promise.

I look at my towns and some of the things that they've said on this very issue. In the town of Boothbay voters are historically very frugal in regards to local spending. The town manager of Boothbay says, "For five straight years the town's had a flat tax rate. Not only was the tax rate flat, but it was immovable. The town took proper precautions in spending to make sure this was true. The town's operating budget has maintained at $1.9 million since 2006 to current day, including the recently proposed fiscal year 2015 budget. This does not mean that the town has not had to manage increasing costs of good, but that we have found efficiencies and savings to compensate for those ever increasing costs. Towns are very custom to being flexible with spending on services and that is no different in Boothbay. All of this changed last year when the town had a 9% local property tax increase. There were incremental increases to the costs of schools and county taxes. There were also losses of investment earnings and a local need to bolster the ambulance service due to reorganization of a local hospital, compounded with the loss of revenue sharing. The town could not take the appropriate steps to insulate the tax payers. This year is shaping up to be similar." He goes on to say, "The state has an opportunity to get back to the grassroots of good policy by supporting this bill and eventually reestablishing a municipal revenue sharing program with 100% funding according to law." The town of Bristol, testifying in this measure, said, "In the past five fiscal years our municipal revenue sharing distribution has been reduced by over 50%. While the cost of operating a town has increased, we cannot absorb another decrease this year. The selectmen in the town only directly control 27% of our total municipal budget. The remaining 73% is made up with the town's share of the school and county budgets over which we have little say. There will come a point, if this bill does not receive favorable action, when those residents who live on fixed incomes can no longer afford to pay their real estate taxes. Where does that leave the town and state? The town has picked up more of the education expense, road maintenance, and additional policing through the sheriff's office. Where does it stop?" I'm particularly impressed by some of the comments the town of Wiscasset made on this bill because I know that some people have said towns should do more to regionalize services and reduce costs. I can tell you that these towns are working hard to manage the cost of services and we've been asking that of them for enough years that this is a very critical juncture for them in what we do with revenue sharing and keeping our promise. According to the state's own data, Wiscasset has lost over $500,000 in revenue sharing in just the past three years. This annual reduction equates to a 45¢ increase in their municipal mill rate each year. Over four years it's had an impact of $2. Wiscasset is not alone. Lincoln County has seen a drop in revenue sharing of over $2 million over the past three years. Lincoln County is the oldest county in Maine and Wiscasset's median household income is under $25,000 per year. These revenues are imperative in order to continue to provide affordable basic services to our citizens. It goes on to say later, "Reflecting on the comments about Maine towns needing to regionalize, the town of Wiscasset currently provides regional ambulance services between four communities. We have regionalized solid waste services with three towns. We share code enforcement services with five towns and participate in county-wide planning and economic development services and have implemented automatic mutual aid agreements for fire service with all surrounding communities. Wiscasset is always interested in ways to partner with other towns to provide quality services at a lower cost. I don't believe we are any different than most towns in Maine. These revenues are necessary in order to continue to provide basic services to our citizens. I will remind you, these are citizens with an average $25,000 income." I stood in front of the selectmen in the town of Damariscotta a while ago while they were telling me what it meant to them. I told them I understand how important this is and how much the people of this district are depending on us and the state to do the right thing. They are not only depending on us to do the right thing at some point before we adjourn, but are depending on us to do it now so that they can formulate their budgets and manage to make ends meet in their towns without imposing greater burdens on the citizens, as I've just described.

I know the idea of a Rainy Day Fund is that you put money away so that when times are hard and when things are down you have something to draw on so that it doesn't lead to disaster. I think that in these hard economic times, with the recession we've been in and the recovery which has been slow but is now beginning to turn, and now when our towns have already exhausted their other options and cuts their budgets as I've described to you, now is an important time for us to draw from that Rainy Day Fund and to make our towns whole in the process. I will be supporting this measure. Thank you.

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

Senator **GRATWICK**: Thank you Mr. President. I rise in support of this. Being a Legislature is a complex process I've learned because we have to balance what the voters want and why they sent us here and what we really think is right ourselves, our moral compass. In this instance, the voters of Bangor are emphatic that they wish us to proceed with this. They are Republicans. They are Independents. They are Democrats. They are all absolutely unified, saying we must proceed in this way. Bangor has already tightened its belts so much so that Bangor's ribs are showing. They've done an extraordinary job and I think this is going to be very important to them. I think that the bill is reasonable. At best, I'd call it a good bill. It certainly is not a perfect bill but, as we know very well, perfect is the enemy of the good. In this instance, I think we should settle for the good and work, as Senator Thomas said, for the perfect as we go. Thank you, sir.

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

Senator **HASKELL**: Thank you very much Mr. President. Colleagues of the Senate, there are two matters that I'd like to bring to the attention of the Body as we discuss this bill. One is what it means for the two communities that I serve if they have to be wondering what's going to happen with this $40 million for more weeks than have already gone by. The second is a reminder to the Body that during the 125th Legislature, I believe it was, the Chairs of the Appropriations Committee chose to use somewhere just above $29 million worth of stabilization funds in order to balance the budget for the 2011-2012 fiscal year. I think that's important to realize. This is not the first time that somebody has looked into this fund. This is not the first time that this has been used. When we are faced with these situations it's appropriate and I will be supporting it. I'll be supporting it knowing that history is also backing me up here. We're not taking the first step into that use.

The second is, having served in local government myself, to be sure it was a while ago, I do remember some of timelines in which departments had to provide their budgets to the budget makers, where they had to say, "What are we going to need and use in our fire department and in our police department and our public works department?" That all had to be done early on and provided to the municipal officials. Then the municipal officials would have to come up with a budget which they presented to the policy makers. I've got to tell you that I can't imagine, and I'm going to just read off this, the number of dollars that are engaged, involved, in this. In the city of Westbrook $637,955. Can you imagine trying to put a budget together that has that money in it and that doesn't have that money in it? Logically, that community can't go forward and put something in front of their policy makers, their city council, and be able to say that they don't know whether there's going to be $637,00 fewer dollars or not. How do you decide what your departments are going to look like and what services you're going to provide? For the city of Portland $2,574,967. That's $2.5 million. That's a huge difference in the kinds of services that you will provide or won't provide. Having those budget numbers at least known when you begin is going to be of tremendous value to those communities, to those two communities. I urge you to understand, please, the importance of knowing those numbers as budgets begin to get put together because that's what's happening now. In order to have good due process in our communities, we need to know now. Some communities may be able to say, "Oh, that's just chump change. Not very much money." These are real dollars to our communities and the impact on services are very real and we need to do this now. Thank you, Mr. President.

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

Senator **BOYLE**: Thank you Mr. President. Ladies and gentlemen of the Senate, this is a difficult issue for me on one level and not too difficult on another. I'm voting in support of this, but I'll tell you one of the things that make it difficult is one of the things that's been the best thing for me in serving up here. The Appropriations Committee Senators work well together and have agreed on many of the issues that they faced. I have the greatest respect for all of them. When the Senator from Kennebec speaks I have great respect for his views on issues like this. Similarly, the Senator from Cumberland has as much, or more, knowledge of tax policy of anyone in the building. The other level for me has been the outpouring of response that I've received from the citizens in my district. In the town of Gorham we're talking about $478 million. Scarborough $486 million. When I sit with members of my communities, or when I sit with the elected leaders, you know what they call us up here? They call us "Augusta". I was surprised to learn that they don't differentiate between that side of the aisle and this side of the aisle or even the other Body and this Body. They talk about "Augusta". What's Augusta going to do? The message I've been getting is they want to hear from Augusta now and they want their revenue sharing. It's not, "What are they going to do in a couple of weeks from now?" The message we'll get out of here today is that Augusta has spoken. I'm in support of this and I hope you'll follow my light. Thank you.

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

Senator **THIBODEAU**: Thank you Mr. President. Ladies and gentlemen of the Senate, I listened to the entire debate this afternoon and it looks like everybody's had an opportunity to weigh in. I've heard a lot of opinions and a lot of ideas. One thing that I didn't hear during the entire debate is anybody stand up and suggest that they didn't support revenue sharing. To a person in this Chamber, everybody wants to restore revenue sharing. I don't think that matters if you're a Democrat, or a Republican, or even our friend that's an Independent. We all believe that property tax relief is a good thing. Now the question becomes; Are we doing it the right way? Are we sending a message or are we really delivering property tax relief? This isn't a brand new problem. For those of us who've been here a while, we remember when the Baldacci administration started this process of raiding the revenue sharing account. Certainly the communities that were affected by that were upset and we had vigorous debates about whether that was good, bad, or indifferent. The fact of the matter is over time it has become a very small part of our municipal budgets because of the attrition. One of the things that we don't want to forget is that if we send the wrong message, if we convince our communities that we're sending this and then it doesn't show up, we're really going to look bad. I don't believe that the State Legislature can afford a mulligan on this. I'm really concerned about that. To me, this is sort of like an individual having $500 in the checkbook and making the conscience decision to go down and pay next year's property taxes, which is probably a great use of their money. The only problem is they have full knowledge that they are going to run out of oil in their oil tank over the weekend and their home is going to freeze up. I think that's why you've heard a great number of people in this Chamber suggest that we should wait a few weeks to make absolutely sure that we're not in that position. It isn't that folks don't want to restore revenue sharing. It's a cash flow question. Are we going to be able to close the 2014 budget and do it without the resources that we currently have? What are those resources? We know what they are. Revenues have come in above projections to tune of $14 million or $17 million. We're going to take that money and we're going to make sure that we fix

a 2015 problem. I think everybody in the Chamber knows 14 comes before 15. I just caution this group. I know that the Republican caucus currently does not have a plan to close the 2014 budget. I think that's why we've heard push back from some of our members about this. I certainly hope that folks that have decided that this is a priority, not only a priority but something that needs to be fast tracked, have a clear plan to close that 2014 budget. I hope you share it with the Republican caucus very, very soon because this isn't games, this is serious stuff, and we need to work together to solve these problems. Partisan politics should never creep into the important work that the people of this state sent each one of us here to take and work on. I'm not suggesting that it has. I'm suggesting that each one of us have looked maybe just a little bit foolish back home over the last week or two. We've got to get this ship righted. We've got to work together. We've got to trust one another. We've got to take and show respect for one another. We'd better start listening to one another or this is going to go off the tracks, people. We deserve, and the people that sent us here deserve, nothing less. Today I'm going to trust the Majority Party, that they have a plan to close the 2014 budget. I look forward to them sharing it with us very soon. 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 will use the same speech that I used in committee. If we didn't have 25% of the General Fund flowing into Medicaid we'd have money to take care of this. 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, I don't like being put in this position. I know that is it wrong to raid the Rainy Day Fund. I hear people say this is what is before us and we don't have any other choice. I asked myself, "Why don't we have another choice?" The answer is, a majority of the budget writing committee decided this was the way to go. We don't have another choice. I stand before you to tell you I surrender. You win. I run up the white flag. You have given me no other choice. If I want to support revenue sharing I am being forced to vote for this bill. I'm happy doing it, but I don't have another choice. Thank you, Mr. President.

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

Senator **CUSHING**: Thank you Mr. President. Ladies and gentlemen of the Senate, I, too, rise with some disappointment. I listened to my colleagues speak about many of the compelling needs and I think it's unfortunate that the choice is presented to us as to whether we support those needs or we don't support those needs based upon how we vote. I've served on a town council, as many of my colleagues have. I know the difficulties that towns in this state face in crafting their budgets. We made it no easier for them last year when we took as long as we did. I don't say that with any disrespect to the appropriators who put countless hours in down there, showing respect to the people who had concerns, and giving them diligence in presenting their case. At the end of the day, there is only so much that's available to us to divide up for all the decisions we make. Some of us on committees decided that we couldn't make the tough choices and help the appropriators to balance that, so we threw it back to them, with a little grin, and said, "We think these are all too important to cut, so you figure out which ones to cut." We're now faced with a different dynamic, in my mind. Before us is the question of whether, for the 2015 budget cycle, we will restore revenue sharing. There is only one option here. That option was provided by a majority vote, not the typical unanimous vote that comes out. I, like some of my colleagues, don't care for being faced with the types of Hobson's Choice that's here before us, but I have spoken to my town managers and they're desperately asking for a little relief this year as they and their councils and select boards sit down to figure it out. Like the good Senator from Cumberland, I, too, am saying if this is the choice I'll look forward to seeing how we're going to solve the '14 problem and I'll urge my colleagues to make sure we remember some of these bold discussions when it comes to do any potential supplements. Thank you, Mr. President.

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

Senator **PATRICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I stand today in support of this issue because one of the things I believe in is that we, as political figures, one of the biggest lessons we're supposed to learn is to be good listeners. Having numerous town managers and numerous select boards call me up, I heard what they said. They said they want this revenue sharing passed. I, too, am disappointed. I've been disappointed for 12 years since I've been here. There is a lot of kicking the can down the road. There's a lot of partisanship. There's a lot of non-partisanship. We've worked together. We haven't worked together. Here we are today, looking at a situation where we're going to take another vote and we're going to take other votes this session. Where are we going to be at the end of the day or at the end of the session? I'm hoping someday that we can all come together, both the second floor and both Bodies, and do what this state needs. We have an antiquated tax code. In order to ever get out of the situation that we're in we're going to have to face that fact and do something with that. That being said, today I feel maybe not 100% confident, but I do, and have heard, the charge with which I've been charged with by my town managers saying in some towns with a mill of 26, 19, 18, that they can't afford to take a $5,000 cut, let alone a $260,000 or $173,000 or $190,000 or $110,000 cut. They need that knowledge going forward. I will be supporting this bill. Thank you, Mr. President.

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to quickly say that, as far as for the Democratic caucus and Appropriations members, I believe that we are very much interested in working on 2014. It, obviously, is a challenge with road map to start with. We are very much looking forward to having that conversation on fixing that. We will do it like we have in the past sessions. Today, we have offered a solution, something that gets our towns and cities part of the way back to where they should be. It's a commitment that we

made. I just wanted to make sure that, with great respect for everyone, we will have the conversations and we will present a plan and ask everyone to be very much willing to work on that with us.

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

Senator **THIBODEAU**: Thank you Mr. President. Ladies and gentlemen of the Senate, if I could pose a question through the Chair to the Body?

THE PRESIDENT: The Senator may pose his question.

Senator **THIBODEAU**: Thank you Mr. President. Does anybody currently have a plan to close the 2014 budget?

THE PRESIDENT: The Senator from Waldo, Senator Thibodeau poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Hill.

Senator **HILL**: Thank you Mr. President. I hope to speak to the question that was just raised. I wouldn't say the plan was fully formulated, but we are well into working on it. These plans do not come along easily, as everyone knows, but we are turning over every stone and we're working on a path with our Republican colleagues. The good Senator Thibodeau, I just have to share with you, I totally, totally, understand your frustration and all your comments. I have been asking for a sharing of the plan for FY 14 from the Executive Branch for weeks.

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

Senator **CAIN**: Thank you Mr. President. Men and women of the Senate, the good news is municipalities are hearing loud and clear today that we all do, in fact, support revenue sharing. I believe that to be true. I think that's good news. It bodes well as we shape our future priorities to know that we start with that one today. It's also clear from this debate, Mr. President, that we have a lot of competing priorities. We've got a lot of work ahead of us. Many of the elements have been outlined today. This debate and this work, and all of the work we do, are absolutely about respect and about listening. That includes having respect for and listening to our towns and our municipal leaders across our state and helping to support them and the work that they do as we do our own. The question was posed as to whether things are off the tracks. I don't think that they are, Mr. President. I don't think so at all, but I will say that in a normal year by the middle of February we would have received one or two supplemental budget proposals by now. We don't have that. We do our work anyways. We get to work on the challenges facing us, whether they be tax expenditures, whether they be revenue sharing, whether they be the FY '14 or the FY '15 shortfall, or whether they be the OPM report. All of that work is still before us. All of that work is on the track and it is our track. It is our track to plan. It is our track to set. It is our work to do. Today we start with revenue sharing. It gets back to predictability and planning for our towns. It gets back to lowering the anxiety of communities that are already making tough choices. It really is about us putting that in place, securing and protecting the money we said we would send, and then us getting back to work. Thank you, Mr. President.

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, again, to answer the question. I could obviously turn it back around and say the same. What I would say is that one thing that you can certainly know is that we will be very willing to work collaboratively with our colleagues. We won't rail and beat on the desk and we won't tell you that you can't count.

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

Senator **CUSHING**: Thank you Mr. President. Ladies and gentlemen of the Senate, as we move forward, we've done a lot of things here to help businesses in the state. I think this is a step that is sending the message that we're trying to help out municipalities. I'm just grateful in the efforts that the state has made in the past assume a lot of responsibilities, like landfills, that we didn't assume ownership of the railroaders too. Thank you.

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

Senator **THIBODEAU**: Thank you Mr. President. I just want to say that I feel it's very unfortunate that this has digressed into some sort of partisan battle on the floor in the last few minutes. Certainly we need to work together. If there is a plan that's formulated we're anxious to see it and look forward to working with our colleagues.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Hill to Accept the Majority Ought 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 (#396)

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

NAYS: Senators: FLOOD, WOODBURY

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **HILL** of York to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **WOODBURY** of Cumberland, Senate Amendment "B" (S-387) **READ**.

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

Senator **WOODBURY**: Thank you Mr. President. This amendment has three features that I wish were part of this bill. First, like the bill, it restores the $40 million of revenue sharing for fiscal year 2015, but it does so without using Rainy Day Funding, instead using tax expenditures that I alone picked out of the host of tax expenditures that are out there. Second, to the extent that this is all about our concern about people's property taxes, the second thing that this amendment does is it restores a much more substantial property tax fairness credit. As you know, the old circuit breaker program, at one time, had refunds as large as potentially up to $2,000 for those with very high burdens of property taxes. That was reduced to $300 or $400 in the budget. This restores them to a level of $1,000 with a new formula, again, in the context of the property tax fairness credit program. I think it provides just the kind of targeted property tax relief to people who need it the most that we should be addressing. The third feature is the one that tries to deal with the issue on a longer term basis. I have come to believe that is a much larger Homestead Exemption. This creates a $50,000 Homestead Exemption and will have a much more meaningful property tax relief to Maine residents than many of the other uses of how we provide property tax relief in the state. This amendment has those three features. It deals with the short-term issue of restoring the $40 million without a Rainy Day Fund, but going after some tax expenditures, as was the original intent. Second, it restores a more meaningful property tax fairness credit for those with the highest burden of property taxes. Third, it creates a $50,000 Homestead Exemption in the future, so that's into the next fiscal year, that deals more seriously with what I think are the underlying problems with our tax system today, some of the structural issues. There is a problem with this amendment. It's had no public hearing. It's had no committee review. I received the fiscal note about seven minutes ago, so it hasn't really been carefully calibrated to deal with the exact budget challenges that we face. It needs all those things. I present this to the Body, to the Appropriations Committee, as we proceed with the continued discussions in the budget challenges that we face over the course of the rest of the session. In meantime, I will withdraw the motion that we try to accept it as part of this bill. Thank you, Mr. President.

THE PRESIDENT: The Chair would clarify with the Senator from Cumberland, Senator Woodbury, if he is withdrawing his amendment?

Senator **WOODBURY**: I withdraw my amendment.

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

Senator **WOODBURY**: Thank you Mr. President. I have presented this as something that I hope will help in continued deliberations of this Body on the budget issues that we face, but I do not believe, because it has had no public hearing and because it has had not committee review and because the fiscal note has just arrived minutes ago, that it's ready to be adopted at this time and so I withdraw the motion.

Senator **WOODBURY** of Cumberland requested and received leave of the Senate to withdraw his motion to **ADOPT** Senate Amendment "B" (S-387).

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, I rise to say two things. Number one, God bless Dick Woodbury. Number two, I present a Senate Amendment.

On motion by Senator **KATZ** of Kennebec, Senate Amendment "A" (S-385) **READ**.

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

Senator **KATZ**: Thank you Mr. President. Men and women of the Senate, I think what most of us just voted to do was to give predictability to our towns and cities and reduce the anxiety they face as they begin to do their own budgeting. This, from my perspective, should not be about whether we are going to restore the $40 million in revenue sharing, but how we pay for it. Each of us in this Body comes from diverse backgrounds. That's what makes us such a good Body in our collective presence. Mine is that I served as Mayor of this great community. With that experience I know all too well that further cuts in revenue sharing would mean two things; not one or the other but both. Higher property taxes and reduced services. As we have cut revenue sharing in the past, we have seen the effects of that. I think that all of us are in favor of restoring revenue sharing. This amendment, from my perspective, Mr. President, cures a significant and a completely unnecessary flaw in the bill that we just passed. All it does is say yes, we will restore the $40 million in revenue sharing, but we will defer the decision on exactly how to pay for it for a while. Today is February 11th. We're going to be here two more months anyways. We're going to go through Red Sox spring training and the first two weeks of the season before we have to make a decision on how we pay for this revenue sharing restoration. Why on God's green earth do we have to put ourselves, or paint ourselves, into a corner today on how to pay for it? The amendment says yes, restore revenue sharing and no, let's not paint ourselves into that corner today. Let's leave the decision to next week or next month or the month after, when we have all the information we need. Why are we locking ourselves into raiding the stabilization fund? We all know why the fund is there. Any sound fiscal state has a stabilization fund. It's there in case of emergencies, in case there is a sudden economic crash, or there is a big natural disaster and you need money immediately, you haven't budgeted for it. In the city of Augusta we have a stabilization fund. It's in our charter, in our constitution. If you took the same percentage that we prudently set aside in our Rainy Day Fund in Augusta and you extrapolated to the state of Maine we'd have $250 million in our stabilization fund here in the state of Maine. I don't know if bond houses look to just one thing in isolation, but there's no question that one of the things that bond houses look to in deciding whether states are a good fiscal risk or a bad risk in terms of bond rating is the size

of our stabilization fund. It shouldn't be raided for ordinary spending purposes. I suggest that without stripping out that part, that's exactly what we're doing today. We have the luxury of time. We have no reason to lock ourselves into just taking from the stabilization fund. Sure, let's restore the $40 million, and let's hope we can keep it, by the way, because I think that, as several speakers have pointed out, is uncertain until the gavel goes down at the end of the session. Let's do it in a financially responsible way. Let's keep our options open on how we're going to pay for it. I would challenge anyone in this Body to explain to me and to your other colleagues why do we need, today, to lock ourselves into raiding that Rainy Day Fund when we've got two months. There are a lot of bright people in this room. There are a lot of bright people down at the other end of the hall and a lot of bright people on the second floor. Why don't we wait and see if, collectively, we can come up with a better way to fund this. I urge a yes vote in respect to the pending motion. Thank you, Mr. President.

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

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, certainly to my good friend and colleague, Senator Katz, I certainly appreciate the amendment and I think that the argument that we can do something later probably still applies. I think most people in this Body know that things happen here all the time. Today is a clear indication to the voters in the state of Maine that we are going to make good on the commitment of the $40 million. We have a place to get it. We know from past legislatures that it's already possible to take it from this account. We feel very comfortable that, in the end, we'll probably have to use the money out of this account for one thing or the other. This is a perfect place to make sure that that commitment is made. I'm not saying that something will or couldn't happen later on this session because things always seem to change, but this, today, is a clear indication to the people in this state that we're making good on property tax relief.

Senator **JACKSON** of Aroostook moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-385).

On motion by Senator **CUSHING** of Penobscot, 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 (#397)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFSKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, VITELLI, 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 **JACKSON** of Aroostook to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-385), **PREVAILED**.

PASSED TO BE ENGROSSED, in concurrence.

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

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

Senator **CAIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator **HAMPER** of Oxford 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.

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

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** to Thursday, February 13, 2014, at 10:00 in the morning.