

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

In Senate Chamber  
Tuesday  
February 18, 2014

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

Prayer by Pastor Jonathan Jones, Lisbon Falls Baptist Church.

**PASTOR JONES:** Thank you, Senators. Let us pray. Dear Lovingly Heavenly Father, we gather this day to thank You for the opportunity to serve You in this, our great state of Maine. As we meditate remember those who purchased the freedoms that we enjoy. We thank You, God, for each member of our armed forces who has died in this service so we can be free. Thank You for the wisdom and decisions and challenges that face this 126<sup>th</sup> Legislature today, specifically, Father, the state of Maine. Lord, we would ask that You, Heavenly Father, would give Your wisdom to be upon each of these Senators as they go about the business of the day, as well as each person who works in our Maine state government. As we seek to work together for this great state and the people of Maine, please guide our thoughts, questions, and give the answers that we so desperately seek. God, we ask that we use our abilities and give us the wisdom when we cannot always find the answers. We also ask for all the branches of our state government, and our Governor Paul LePage, that, Father, You would bless each one who's answered the call to represent the people of Maine. Finally, we ask that You, our great God and Heavenly Father, provide solutions that we cannot explain to accomplish things we cannot imagine in our state for the good of the people of Maine and for Your glory. Bless this day and all the activities therein here in the State House. In Jesus' name. Amen.

Pledge of Allegiance led by Senator Dawn Hill of York County.

Reading of the Journal of Thursday, February 13, 2014.

Doctor of the day, Jay Hagerty, MD of Bangor.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Assist Military Service Members with Access to the Federal Uniformed Services Employment and Reemployment Rights Act of 1994"

H.P. 1273 L.D. 1775

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.

**COMMUNICATIONS**

The Following Communication: S.C. 729

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 12, 2014

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Joan P. Toy of Bath, for reappointment to the School Board of the Governor Baxter School for the Deaf.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Millett of Cumberland, Langley of Hancock
	Representatives	10	MacDonald of Boothbay, Daughtry of Brunswick, Hubbell of Bar Harbor, Johnson of Greenville, Kornfield of Bangor, Maker of Calais, McClellan of Raymond, Nelson of Falmouth, Pouliot of Augusta, Rankin of Hiram

NAYS 0

ABSENT 1 Sen. Johnson of Lincoln

Rep. Soctomah of Passamaquoddy Tribe was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Joan P. Toy of Bath, for reappointment to the School Board of the Governor Baxter School for the Deaf be confirmed.

Signed,

S/Rebecca J. Millett  
Senate Chair

S/W. Bruce MacDonald  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#399)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Joan P. Toy** of Bath for reappointment to the School Board of the Governor Baxter School for the Deaf was **CONFIRMED**.

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

The Following Communication: S.C. 730

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 12, 2014

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Jason R. White of Rockland, for reappointment to the School Board of the Governor Baxter School for the Deaf.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Millett of Cumberland, Langley of Hancock
	Representatives	10	MacDonald of Boothbay, Daughtry of Brunswick, Hubbell of Bar Harbor, Johnson of Greenville, Kornfield of Bangor, Maker of Calais, McClellan of Raymond, Nelson of Falmouth, Pouliot of Augusta, Rankin of Hiram
NAYS		0	
ABSENT		1	Sen. Johnson of Lincoln

Rep. Soctomah of Passamaquoddy Tribe was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Jason R. White of Rockland, for reappointment to the School Board of the Governor Baxter School for the Deaf be confirmed.

Signed,

S/Rebecca J. Millett  
Senate Chair

S/W. Bruce MacDonald  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#400)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Jason R. White** of Rockland for reappointment to the School Board of the Governor Baxter School for the Deaf was **CONFIRMED**.

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

The Following Communication: S.C. 731

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 12, 2014

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Diane M. St. Lawrence of New Portland, for reappointment to the School Board of the Governor Baxter School for the Deaf.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 Millett of Cumberland,  
Langley of Hancock

Representatives 10 MacDonald of Boothbay,  
Daughtry of Brunswick,  
Hubbell of Bar Harbor,  
Johnson of Greenville,  
Kornfield of Bangor, Maker of  
Calais, McClellan of  
Raymond, Nelson of  
Falmouth, Pouliot of Augusta,  
Rankin of Hiram

NAYS 0

ABSENT 1 Sen. Johnson of Lincoln  
Rep. Soctomah of Passamaquoddy Tribe was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Diane M. St. Lawrence of New Portland, for reappointment to the School Board of the Governor Baxter School for the Deaf be confirmed.

Signed,

S/Rebecca J. Millett  
Senate Chair

S/W. Bruce MacDonald  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#401)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Diane M. St. Lawrence** of New Portland for reappointment to the School Board of the Governor Baxter School for the Deaf was **CONFIRMED**.

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

The Following Communication: S.C. 732

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 12, 2014

The Honorable Justin L. Alford  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Frederick M. Woodman, Jr. of Lincoln, for reappointment to the Maine School of Science and Mathematics, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Millett of Cumberland, Langley of Hancock
	Representatives	10	MacDonald of Boothbay, Daughtry of Brunswick, Hubbell of Bar Harbor, Johnson of Greenville, Kornfield of Bangor, Maker of Calais, McClellan of Raymond, Nelson of Falmouth, Pouliot of Augusta, Rankin of Hiram
NAYS		0	
ABSENT		1	Sen. Johnson of Lincoln

Rep. Soctomah of Passamaquoddy Tribe was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Frederick M. Woodman, Jr. of Lincoln, for reappointment to the Maine School of Science and Mathematics, Board of Trustees be confirmed.

Signed,

S/Rebecca J. Millett  
Senate Chair

S/W. Bruce MacDonald  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#402)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Frederick M. Woodman, Jr.** of Lincoln for reappointment to the Maine School of Science and Mathematics, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 733

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 12, 2014

The Honorable Justin L. Alford  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

**ROLL CALL (#403)**

YEAS: Senators: None

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Alyssa M. Wardwell of Limerick, for appointment to the State Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Millett of Cumberland, Langley of Hancock
	Representatives	10	MacDonald of Boothbay, Daughtry of Brunswick, Hubbell of Bar Harbor, Johnson of Greenville, Kornfield of Bangor, Maker of Calais, McClellan of Raymond, Nelson of Falmouth, Pouliot of Augusta, Rankin of Hiram

NAYS 0

ABSENT 1 Sen. Johnson of Lincoln

Rep. Soctomah of Passamaquoddy Tribe was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Alyssa M. Wardwell of Limerick, for appointment to the State Board of Education be confirmed.

Signed,

S/Rebecca J. Millett Senate Chair	S/W. Bruce MacDonald House Chair
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**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Alyssa M. Wardwell** of Limerick for appointment to the State Board of Education was **CONFIRMED**.

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

The Following Communication: S.C. 734

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 12, 2014

The Honorable Justin L. Alford  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of James E. Rier, Jr. of Topsham, for appointment as the Commissioner of the Department of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 Millett of Cumberland,  
Langley of Hancock

Representatives 10 MacDonald of Boothbay,  
Daughtry of Brunswick,  
Hubbell of Bar Harbor,  
Johnson of Greenville,  
Kornfield of Bangor, Maker of  
Calais, McClellan of  
Raymond, Nelson of  
Falmouth, Pouliot of Augusta,  
Rankin of Hiram

NAYS 0

ABSENT 1 Sen. Johnson of Lincoln

Rep. Soctomah of Passamaquoddy Tribe supports the Committee's recommendation.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of James E. Rier, Jr. of Topsham, for appointment as the Commissioner of the Department of Education be confirmed.

Signed,

S/Rebecca J. Millett  
Senate Chair

S/W. Bruce MacDonald  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

Senator **MILLETT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I am pleased to speak to the nomination of Jim Rier as Commissioner of the Department of Education. Jim Rier's commitment to education is long standing and well known. He would tell you that his passion began with parenting his sons, but it really was given its full expression during his service on the State Board of Education from 1995 to 2003. That commitment deepened and broadened when he joined the Department of Education in 2003. Every time he has been called to serve, Jim Rier has responded with his full effort and passion. In his role as Director of Finance and Operations, Deputy Commissioner, and Acting Commissioner he has played a crucial role in the design, implementation, and management of education policy for the state of Maine, including such areas as facilities management, school nutrition, transportation, finance, grants programs for rural and low income schools, and so much more. I am pleased to present unanimous committee support for Jim Rier's nomination for Commissioner of the Department of Education.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I rise, too, to add my congratulations and support for Jim Rier as Commissioner of the Department of Education. I couldn't be more pleased. Jim is very often known for his quiet

leadership, but don't mistake that for lack of passion, as the good Senator from Cumberland has just described. Jim knows the numbers and we've seen that. It has taken me four years of EPS Funding Formula briefings to start to get a handle on how the state funds education in Maine. Mr. Rier knows this inside and out, upside and down and brings that knowledge to the helm. He also has a great working relationship with the Education Committee. To a T, every person on that committee respects Mr. Rier and his passion for the job that he's done. Also he's well respected inside the department, having been a steadfast rock over there for a number of years. It's my belief that the DOE will not skip a beat with Mr. Rier at the helm. I appreciate your support on this. Thank you.

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

Senator **GERZOFSKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, I stand today to also throw my heartfelt sincere gratitude to Mr. Rier for the years of service he's given to the state of Maine. I want to say that many of us in this Chamber have gone through the experience of a major mill closing in our town or a major disruption where people have left and left our school boards and our school departments in some real problems. I know that in Brunswick and in my Senate District how we did when the Naval Air Station closed and we lost 5,000 of our residents and their children. The ramifications we had with our school department and just how to get through that. When you need a calm, cool head, Mr. Rier is the guy I went to see. Jim was there to help us, guide us, and to help us in every way possible to get through that period. Until today, he's still trying to help us cope with tremendous loss, not only for our community and my region, but also to the state of Maine. When you need somebody like that, it's really great to have them available and to know them so well because of so many years that he's worked here and been able to help us also. My congratulations to Mr. Rier for this appointment. I certainly stand and give all the support I can. Thank you very much. Thank you, Mr. President.

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to also congratulate and welcome Jim Rier as the new Commissioner of Education. It's an excellent choice. I know that for a fact because Jim has been able to put up with me and my questions for at least 12 years. He's calm and direct with those answers. He's available to help. I look forward to working with him in the future. He's an excellent choice and a good man. Thank you very much, Mr. President.

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

Senator **HASKELL:** Thank you very much Mr. President. Men and women of the Senate, I rise with a little history. A number of years ago I served in the House of Representatives, the other Body. When I finished my term in the other Body I went to work for Governor King. My job there was appointments to boards and commissions. When I did appointments to boards and commissions I met people from all across the state. I had the opportunity to call and encourage people to join boards all away

from the Board of Commerce, Licensing, to the Board of Education. I made several calls to Washington County to a gentleman who was running a car dealership in Washington County. Our conversations were around what it would be like to serve on the State Board of Education because his reputation for involvement in matters involving kids and their education was well known there and the Governor wanted to make sure his voice was heard on the Board of Education. It's, honestly, with a great deal of historical pleasure that I stand up to reaffirm what has been said by other colleagues here. There is nobody who has more commitment to the kids of our state, to their education, or who is willing to come down and leave a very comfortable job and potential retirement to come down and make sure that he had an opportunity to have his voice heard here in the state of Maine. We are very lucky to have him willing to serve as Commissioner of our Department of Education. Thank you, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would remiss if I didn't also offer my congratulations to Mr. Rier. I've known him for many years. As you've just heard, he's a man who knows his business. You can call him any day of the week, any time of the day, and he will get your information that you need and get back to you. That's something that is a scarce commodity now days in a lot of public service areas. We're very fortunate for this nomination. I may have bought a used car from him, I'm not sure. I can tell you this, if you every need your four barrel Holley carburetor fixed he's the man to do it. Thank you.

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

Senator  **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I do want to congratulate Commissioner Rier. He is always, always available, as Senator Burns just said. His untangling of Medicaid and his support and knowledge of Special Purpose Schools and his compassion and, of course, his knowledge of finance is very much appreciated. We thank him for his service and delighted that he's our new Commissioner.

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

Senator  **WOODBURY:** Thank you Mr. President. I, too, join this chorus of support for Jim Rier's nomination. I've had the pleasure, too, as many of you have, of working with Jim Rier since my first days as a legislator. Every encounter has been exceptional. He is extremely knowledgeable, hardworking, sensible, and fair. It's just hard to imagine someone with a better experience, competence, and temperament to do this work. I join in supporting this nomination for Commissioner. Thank you.

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

Senator  **JOHNSON:** Thank you Mr. President. Ladies and gentlemen, I certainly rise in support of Jim Rier for this position. I dealt with him on a number of matters dealing with education and the school system over the years. Also, as I think you've

heard from others here today, he's been calm, informative, and dedicated to education. I certainly regret that I was tied up in a marathon discussion of Elvers the other day rather than being there to support him in this. I certainly will be lending my support today to Jim Rier. He will do an excellent job. Thank you.

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

Senator  **CUSHING:** Thank you Mr. President. I also rise today to lend my appreciation to Mr. Rier for his willingness to serve the state again in this capacity. In my numerous discussions with various school officials across the state for several years now in serving the Legislature, consistently Mr. Rier's been the go-to person when there are complicated funding issues. I think we're very blessed in this state to have individuals of his caliber who are willing to step into public service. I will be honored to vote in support of his nomination today. 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, when you think you can't add anything else, it's still worth saying something nice. My friend Jim Rier, this is a big day for him. He has put in the hours, he's put in the time, and I can tell you from personal experience that Jim Rier is 100% committed to students, teachers, facility, staff, principals, and superintendents across the state of Maine in trying to get it right. He is tireless. He is detail oriented. He is not afraid to explain, re-explain, and break down. In Appropriations and Education, we are always excited when Mr. Rier brings us a new Jim Rier graph. If you are laughing, you've seen it. It somehow makes everything make sense that is otherwise terribly complicated. The importance of having somebody at the helm of the Department of Education who understands that level of detail, who has the relationships across the state, and who I can say, from personal experience, will return your call day or night, seven days a week, is exactly the kind of person we need right now. I add my congratulations and support to Mr. Rier's nomination. Thank you.

The President laid before the Senate the following: "Shall the recommendation of the Committee on  **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#404)**

YEAS: Senators: None

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

YEAS Senators 3 Millett of Cumberland, Johnson of Lincoln, Langley of Hancock  
Representatives 7 MacDonald of Boothbay, Daughtry of Brunswick, Hubbell of Bar Harbor, Johnson of Greenville, McClellan of Raymond, Nelson of Falmouth, Rankin of Hiram

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **James E. Rier, Jr.** of Topsham for appointment as the Commissioner of the Department of Education was **CONFIRMED**.

NAYS 0  
ABSENT 3 Rep. Kornfield of Bangor, Rep. Maker of Calais, Rep. Pouliot of Augusta

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

Rep. Soctomah of Passamaquoddy Tribe was absent.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber James E. Eier, Jr. of Topsham. Will he please stand to accept the warm greetings of the Maine State Senate.

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Robert D. Somerville of Spring, Texas for reappointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Rebecca J. Millett  
Senate Chair

S/W. Bruce MacDonald  
House Chair

Off Record Remarks

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 748

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 13, 2014

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Dear Mr. President:

**ROLL CALL (#405)**

YEAS: Senators: None

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

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:



No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Robert D. Somerville** of Spring, Texas for reappointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 735

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

February 12, 2014

The Honorable Justin L. Alford  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Rollie Heckethorn of Auburn, for reappointment to the Maine Rural Development Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Patrick of Oxford, Cleveland of Androscoggin
	Representatives	6	Herbig of Belfast, Campbell of Newfield, Gilbert of Jay, Mastraccio of Sanford, Volk of Scarborough, Winchenbach of Waldoboro
NAYS		0	
ABSENT		5	Sen. Cushing of Penobscot, Rep. Duprey of Hampden, Rep. Hamann of South Portland, Rep. Lockman of Amherst, Rep. Mason of Topsham

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Rollie Heckethorn of Auburn, for reappointment to the Maine Rural Development Authority be confirmed.

Signed,

S/John L. Patrick  
Senate Chair

S/Erin D. Herbig  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#406)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Rollie Heckethorn** of Auburn for reappointment to the Maine Rural Development Authority was **CONFIRMED**.

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

The Following Communication: S.C. 736

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

February 12, 2014

The Honorable Justin L. Alford  
 President of the Senate of Maine  
 126th Maine State Legislature  
 State House  
 Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Bruce E. Wagner of North Yarmouth, for appointment as the Chief Executive Officer, Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Patrick of Oxford, Cleveland of Androscoggin
	Representatives	6	Herbig of Belfast, Campbell of Newfield, Gilbert of Jay, Mastraccio of Sanford, Volk of Scarborough, Winchenbach of Waldoboro
NAYS		0	
ABSENT		5	Sen. Cushing of Penobscot, Rep. Duprey of Hampden, Rep. Hamann of South Portland, Rep. Lockman of Amherst, Rep. Mason of Topsham

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Bruce E. Wagner of North Yarmouth, for appointment as the Chief Executive Officer, Finance Authority of Maine be confirmed.

Signed,

S/John L. Patrick  
 Senate Chair

S/Erin D. Herbig  
 House Chair

**READ and ORDERED PLACED ON FILE.**

**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 am proud to get up to speak on behalf of the nomination of Bruce E. Wagner of North Yarmouth for the appointment of the Chief Executive Officer of the Finance Authority of Maine. Mr. Wagner is a great person with a wealth of knowledge in the financial and business fields. It was gratifying to have so many business leaders speak so eloquently on Mr. Wagner's behalf and the value that he brings

to the job. Mr. Wagner has a history of turning businesses around and making them prosper. He is goals oriented, focused, and extremely driven person with a vision of where we can go and what we can achieve. I believe the state of Maine is very fortunate to have someone of his caliber as our next Chief Executive Officer of the Finance Authority of Maine and I'd ask you to please join me in supporting the nomination of Bruce E. Wagner. 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 in support of Mr. Wagner's nomination as the CEO of FAME. I want to echo my good colleague from Oxford's comments. I had the pleasure of meeting Mr. Wagner when he was working with a very large employer in the Portland area and through Chamber activities. He has certainly proven himself to be the type of person that puts his time and effort into things that he strongly believes in. I think we're going to be, once again, well served with this nomination to serve as the leader of FAME. Thank you, Mr. President.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#407)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Bruce E. Wagner** of North Yarmouth for appointment as the Chief Executive Officer, Finance Authority of Maine was **CONFIRMED**.

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

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Bruce E. Wagner of North Yarmouth. Would he please rise and accept the warm greetings of the Maine State Senate.

Signed,

S/John L. Patrick  
Senate Chair

S/Erin D. Herbig  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#408)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Gregory E. Miller** of Old Town for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 738

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

February 12, 2014

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

Off Record Remarks

The Following Communication: S.C. 737

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

February 12, 2014

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Gregory E. Miller of Old Town, for appointment to the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Patrick of Oxford, Cleveland of Androscoggin
	Representatives	6	Herbig of Belfast, Campbell of Newfield, Gilbert of Jay, Mastraccio of Sanford, Volk of Scarborough, Winchenbach of Waldoboro
NAYS		0	
ABSENT		5	Sen. Cushing of Penobscot, Rep. Duprey of Hampden, Rep. Hamann of South Portland, Rep. Lockman of Amherst, Rep. Mason of Topsham

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Gregory E. Miller of Old Town, for appointment to the Finance Authority of Maine be confirmed.

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Jonathan A. Block of Portland, for appointment to the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Patrick of Oxford, Cleveland of Androscoggin
	Representatives	5	Herbig of Belfast, Campbell of Newfield, Gilbert of Jay, Mason of Topsham, Mastraccio of Sanford
NAYS		0	
ABSENT		6	Sen. Cushing of Penobscot, Rep. Duprey of Hampden, Rep. Hamann of South Portland, Rep. Lockman of Amherst, Rep. Volk of Scarborough, Rep. Winchenbach of Waldoboro

Seven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Jonathan A. Block of Portland, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/John L. Patrick  
Senate Chair

S/Erin D. Herbig  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#409)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Jonathan A. Block** of Portland for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

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Off Record Remarks

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The Following Communication: S.C. 739

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

February 12, 2014

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of James G. Howard of Topsham, for appointment to the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 Patrick of Oxford, Cleveland of Androscoggin  
 Representatives 6 Herbig of Belfast, Campbell of Newfield, Gilbert of Jay, Mason of Topsham, Mastraccio of Sanford, Volk of Scarborough

NAYS 0

ABSENT 5 Sen. Cushing of Penobscot, Rep. Duprey of Hampden, Rep. Hamann of South Portland, Rep. Lockman of Amherst, Rep. Winchenbach of Waldoboro

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of James G. Howard of Topsham, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/John L. Patrick  
 Senate Chair

S/Erin D. Herbig  
 House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#410)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **James G. Howard** of Topsham for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

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The Following Communication: S.C. 740

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

February 12, 2014

The Honorable Justin L. Alfond  
 President of the Senate of Maine  
 126th Maine State Legislature  
 State House  
 Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of James P. Violette, Jr. of Waterville, for appointment to the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 Patrick of Oxford, Cleveland of Androscoggin  
 Representatives 6 Herbig of Belfast, Campbell of Newfield, Gilbert of Jay, Mason of Topsham, Mastraccio of Sanford, Volk of Scarborough

NAYS 0

ABSENT 5 Sen. Cushing of Penobscot, Rep. Duprey of Hampden, Rep. Hamann of South Portland, Rep. Lockman of Amherst, Rep. Winchenbach of Waldoboro

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of James P. Violette, Jr. of Waterville, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/John L. Patrick  
Senate Chair

S/Erin D. Herbig  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#411)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **James P. Violette, Jr.** of Waterville for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 741

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

February 12, 2014

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Reis Hagerman of Standish, for reappointment to the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Patrick of Oxford, Cleveland of Androscoggin
	Representatives	6	Herbig of Belfast, Campbell of Newfield, Gilbert of Jay, Mason of Topsham, Mastraccio of Sanford, Volk of Scarborough

NAYS: 0

ABSENT: 5  
Sen. Cushing of Penobscot, Rep. Duprey of Hampden, Rep. Hamann of South Portland, Rep. Lockman of Amherst, Rep. Winchenbach of Waldoboro

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Reis Hagerman of Standish, for reappointment to the Finance Authority of Maine be confirmed.

Signed,

S/John L. Patrick  
Senate Chair

S/Erin D. Herbig  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#412)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Reis Hagerman** of Standish for reappointment to the Finance Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 742

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

February 12, 2014

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Rosaire Pelletier of Madawaska, for reappointment to the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Patrick of Oxford, Cleveland of Androscoggin
	Representatives	5	Herbig of Belfast, Campbell of Newfield, Gilbert of Jay, Mastraccio of Sanford, Winchenbach of Waldoboro
NAYS		0	

ABSENT 6 Sen. Cushing of Penobscot, Rep. Duprey of Hampden, Rep. Hamann of South Portland, Rep. Lockman of Amherst, Rep. Mason of Topsham, Rep. Volk of Scarborough

Seven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Rosaire Pelletier of Madawaska, for reappointment to the Finance Authority of Maine be confirmed.

Signed,

S/John L. Patrick  
Senate Chair

S/Erin D. Herbig  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#413)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Rosaire Pelletier** of Madawaska for reappointment to the Finance Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 743

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

February 12, 2014

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Barbara Campbell Harvey of Portland, for reappointment to the Maine Educational Loan Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Patrick of Oxford, Cleveland of Androscoggin
	Representatives	5	Herbig of Belfast, Campbell of Newfield, Gilbert of Jay, Mastraccio of Sanford, Winchenbach of Waldoboro
NAYS		0	
ABSENT		6	Sen. Cushing of Penobscot, Rep. Duprey of Hampden, Rep. Hamann of South Portland, Rep. Lockman of Amherst, Rep. Mason of Topsham, Rep. Volk of Scarborough

Seven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Barbara Campbell Harvey of Portland, for reappointment to the Maine Educational Loan Authority be confirmed.

Signed,

S/John L. Patrick  
Senate Chair

S/Erin D. Herbig  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#414)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Barbara Campbell Harvey** of Portland, for reappointment to the Maine Educational Loan Authority was **CONFIRMED**.

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

The Following Communication: S.C. 744

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

February 12, 2014

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Cole R. Palmer of Phippsburg, for appointment to the Maine Rural Development Authority.



After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Patrick of Oxford, Cleveland of Androscoggin
	Representatives	6	Herbig of Belfast, Campbell of Newfield, Gilbert of Jay, Mastraccio of Sanford, Volk of Scarborough, Winchenbach of Waldoboro
NAYS		0	
ABSENT		5	Sen. Cushing of Penobscot, Rep. Duprey of Hampden, Rep. Hamann of South Portland, Rep. Lockman of Amherst, Rep. Mason of Topsham

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Cole R. Palmer of Phippsburg, for appointment to the Maine Rural Development Authority be confirmed.

Signed,

S/John L. Patrick  
Senate Chair

S/Erin D. Herbig  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#415)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Cole R. Palmer** of Phippsburg for appointment to the Maine Rural Development Authority was **CONFIRMED**.

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

The Following Communication: S.C. 745

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

February 12, 2014

The Honorable Justin L. Alford  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Tracy B. Bigney of Bangor, for reappointment to the State Civil Service Appeals Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	1	Lachowicz of Kennebec
	Representatives	9	Graham of North Yarmouth, Boland of Sanford, Chenette of Saco, Cotta of China, Hayes of Buckfield, MacDonald of Old Orchard Beach, Nadeau of Winslow, Nadeau of Fort Kent, Pease of Morrill

NAYS 0

ABSENT 3 Sen. Collins of York, Sen. Gerzofsky of Cumberland, Rep. Bolduc of Auburn

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Tracy B. Bigney of Bangor, for reappointment to the State Civil Service Appeals Board be confirmed.

Signed,

S/Colleen M. Lachowicz  
Senate Chair

S/Anne P. Graham  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#416)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Tracy B. Bigney** of Bangor for reappointment to the State Civil Service Appeals Board was **CONFIRMED**.

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

The Following Communication: S.C. 746

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

February 12, 2014

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Abigail C. Yacoben of West Bath, for reappointment to the State Civil Service Appeals Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Lachowicz of Kennebec, Collins of York
	Representatives	9	Graham of North Yarmouth, Boland of Sanford, Chenette of Saco, Cotta of China, Hayes of Buckfield, MacDonald of Old Orchard Beach, Nadeau of Winslow, Nadeau of Fort Kent, Pease of Morrill
NAYS		0	
ABSENT		2	Sen. Gerzofsky of Cumberland, Rep. Bolduc of Auburn

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Abigail C. Yacoben of West Bath, for reappointment to the State Civil Service Appeals Board be confirmed.

Signed,

S/Colleen M. Lachowicz  
Senate Chair

S/Anne P. Graham  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#417)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Abigail C. Yacoben** of West Bath for reappointment to the State Civil Service Appeals Board was **CONFIRMED**.

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

The Following Communication: S.C. 747

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

February 12, 2014

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Taxation has had under consideration the nomination of Richard A. Nass of Acton, for reappointment to the Maine Board of Tax Appeals.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	1	Thomas of Somerset
	Representatives	8	Goode of Bangor, Brooks of Winterport, Jackson of Oxford, Libby of Lewiston, Marean of Hollis, Moonen of Portland, Stanley of Medway, Tipping-Spitz of Orono

NAYS 0

ABSENT 4 Sen. Haskell of Cumberland, Sen. Millett of Cumberland, Rep. Bennett of Kennebunk, Rep. Knight of Livermore Falls

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Richard A. Nass of Acton, for reappointment to the Maine Board of Tax Appeals be confirmed.

Signed,

S/Anne M. Haskell Senate Chair S/Adam A. Goode House Chair

**READ and ORDERED PLACED ON FILE.**

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

Senator **CUSHING:** Thank you Mr. President. I appreciate your and Body's patience during this long process, but I feel that the nominee before us certainly exemplifies somebody who has served this state very well, both in this Body and the lower Body. I am very pleased that he was willing to be nominated for a position of this nature. I think that we will all benefit greatly from his service. I thank you for your patience.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, to share my feelings on Richard Nass. I've known Richard for over 30 years. I've served with him in both Bodies. I can tell this Body that he would do a very good job, as he has done, and it is a very good selection. I would agree with my good friend, Senator Cushing, on his nomination. Thank you.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, it is unfortunately, because of scheduling conflicts, I was not there to be able to cast my vote in the committee. I wouldn't want anyone to think that I didn't have complete confidence in the Honorable Mr. Nass to be able to carry forward with this. This is a new board. It's been working very well. We're very pleased with it. This is his reappointment. When the original appointments were set up they were set up on a rotating schedule so that folks would be coming off at various years. Mr. Nass' first term was only one year. It's really a pleasure to be able to see him continue on the board and continue the good work that's being done on the Tax Appeals Board. For folks that might now know what it is, please see me after and we'll have a four hour discussion on the work of the Tax Appeals Board. Thank you.

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

Senator **COLLINS**: Thank you Mr. President. Ladies and gentlemen of the Senate, I just would be remiss if I didn't stand and offer my congratulations to former Senator Nass since I did replace him when he was termed out with the same district. Richard has always been a very conscientious individual. Always striving to do the right thing and do the job right. These same qualities are necessary in his new position. I congratulate him. Thank you.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **TAXATION** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#418)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Richard A. Nass** of Acton for reappointment to the Maine Board of Tax Appeals was **CONFIRMED**.

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

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#### SENATE PAPERS

Bill "An Act To Prohibit Providers of Cloud Computing Service to Elementary and Secondary Educational Institutions from Processing Student Data for Commercial Purposes"

S.P. 707 L.D. 1780

Presented by Senator KATZ of Kennebec. Cosponsored by Representative BERRY of Bowdoinham and Senator: THOMAS of Somerset, Representatives: BECK of Waterville, MacDONALD of Boothbay, NELSON of Falmouth, POULIOT of Augusta.

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

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

Sent down for concurrence.

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Bill "An Act To Amend Tidal Energy Demonstration Project Laws"  
S.P. 708 L.D. 1781

Presented by Senator YOUNGBLOOD of Penobscot. Cosponsored by Representative HOBBS of Saco and Senator: BURNS of Washington, Representatives: BEAVERS of South Berwick, DUNPHY of Embden, LOCKMAN of Amherst. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **CLEVELAND** of Androscoggin, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent down for concurrence.

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Bill "An Act Relating to Nursing Facility and Inpatient Hospice Patients and Medical Marijuana Use"  
S.P. 706 L.D. 1779

Presented by Senator LACHOWICZ of Kennebec. Cosponsored by Representative HICKMAN of Winthrop and Senators: CRAVEN of Androscoggin, GRATWICK of Penobscot, JOHNSON of Lincoln, VALENTINO of York, Representatives: COOPER of Yarmouth, McGOWAN of York, SANDERSON of Chelsea. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

On motion by Senator **CRAVEN** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

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#### Pursuant to Statutes Criminal Law Advisory Commission

Senator GERZOFKY for the **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, chapter 55 asked leave to report that the accompanying Bill "An Act To Make Technical Amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act and a Related Provision in the Maine Revised Statutes, Title 20-A"

S.P. 709 L.D. 1782

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.

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

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## REPORTS OF COMMITTEES

### House

#### Pursuant to Resolve

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Amend the Resolve To Promote the Expansion of the Maine Maple Sugar Industry

H.P. 1274 L.D. 1777

Reported that the same be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Resolve 2011, chapter 132, section 8.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

Resolve and accompanying papers **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

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#### Ought to Pass

The Committee on **TAXATION** on Bill "An Act To Reinstate Statutory Authority for Local Property Tax Assistance Programs" (EMERGENCY)

H.P. 1179 L.D. 1607

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

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

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

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

#### Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act To Exempt from Sales and Use Tax Sales of Publications To Be Distributed without Charge and Printed Materials Included in Publications" (EMERGENCY)

H.P. 1232 L.D. 1722

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-609)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-609)**.

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

Committee Amendment "A" (H-609) **READ** and **ADOPTED**, in concurrence.

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

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### Senate

#### Ought to Pass

Senator GERZOFISKY for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend Maine's Emergency Management Laws"

S.P. 650 L.D. 1672

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

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

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

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## SECOND READERS

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

#### House As Amended

Bill "An Act To Clarify When Bonds May Be Issued"  
H.P. 628 L.D. 904  
(C "A" H-595)

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

**ENACTORS**

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

**Emergency Measure**

An Act To Increase Funding for Start-ups

S.P. 568 L.D. 1512  
(C "A" S-382)

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

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**Acts**

An Act To Amend the Territory of the Bayville Village Corporation  
S.P. 677 L.D. 1711

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

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An Act To Require Health Insurance Coverage for Hearing Aids for Young Adults

S.P. 213 L.D. 523  
(C "A" S-378)

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

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An Act To Improve the Accuracy of Fuel Tax Reporting  
S.P. 341 L.D. 996  
(C "B" S-381)

On motion by Senator **MAZUREK** of Knox, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matter 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 (2/13/14) matter:

SENATE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Promote and Enhance State Policy To Preserve and Support Existing Methods of Disposal of Municipal Solid Waste"

S.P. 545 L.D. 1483

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-386)** (10 members)

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

Tabled - February 13, 2014, by Senator **BOYLE** of Cumberland

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

(In Senate, February 13, 2014, Reports **READ**.)

On motion by Senator **BOYLE** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-386) **READ**.

On motion by Senator **BOYLE** of Cumberland, Senate Amendment "A" (S-389) to Committee Amendment "A" (S-386) **READ** and **ADOPTED**.

Committee Amendment "A" (S-386) as Amended by Senate Amendment "A" (S-389) thereto, **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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

**SENATE PAPERS**

Bill "An Act To Make Consistent the Sales and Use Tax Imposed on Various Fuels Used To Heat Buildings for Human Habitation"  
S.P. 711 L.D. 1785

Presented by Senator JACKSON of Aroostook.  
Cosponsored by Representative STANLEY of Medway and Senators: President ALFOND of Cumberland, GRATWICK of Penobscot, HASKELL of Cumberland, LACHOWICZ of Kennebec, MILLETT of Cumberland, PATRICK of Oxford, Representative: BROOKS of Winterport.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Pursuant to Resolve  
Joint Standing Committee on Energy, Utilities and  
Technology

Senator CLEVELAND for the **Joint Standing Committee on Energy, Utilities and Technology**, pursuant to Resolve, chapter 47, section 1 asked leave to report that the accompanying Bill "An Act To Reform Regulation of Consumer-owned Water Utilities" S.P. 710 L.D. 1784

Be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **CLEVELAND** of Androscoggin, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Religious Freedom"

S.P. 514 L.D. 1428

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

Signed:

Senators:

VALENTINO of York  
TUTTLE of York

Representatives:

PRIEST of Brunswick  
BEAULIEU of Auburn  
DeCHANT of Bath  
MONAGHAN-DERRIG of Cape Elizabeth

MOONEN of Portland  
MORIARTY of Cumberland  
VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-390)**.

Signed:

Senator:

BURNS of Washington

Representatives:

CROCKETT of Bethel  
GUERIN of Glenburn  
PEAVEY HASKELL of Milford

Reports **READ**.

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

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

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, I rise today to say that I support religious freedom. If I had to venture a guess, I would guess that almost everyone in this room, if not every single person in this room, supports religious freedom. I support the First Amendment of the United States Constitution. I support Article 1, section 3, on religious freedom in the Maine Constitution. I even support the title of the bill, An Act to Protect Religious Freedom. What I do not support is this bill. Bill titles do not become part of Maine law. I do not cast my vote based on the title of a bill. I cast my vote for the contents of the bill, for this is the part that will be entered into Maine law. The First Amendment of the United States Constitution states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." When our Founders drafted the Constitution religious freedom and equality were lofty ideals but not reality. There was no equality for women or poor people or people of color. Religious freedom may have been extended to people's rights to worship and congregate, but certainly not to politics or jobs. Many people may not realize that when the First Amendment was enacted it applied only to laws passed by the U.S. Congress. State and local governments could abridge the free exercise of religion as long as there was no similar provision in their state constitution. In South Carolina's and Georgia's original constitutions it stated that only men of the Protestant religion were eligible to sit in the House of Representatives. In Maryland it wasn't until 1828 that Jewish-Americans were eligible as candidates to the Legislature. Growing up in a very poor Irish-Catholic family in Portland, my father was a paperboy. One of his routes was a very exclusive West End. Hundreds of times I heard the story about his grandmother warning him that, if he wanted to keep his job, if he ever met a person of a certain privileged religion on the sidewalk in the West End when he was delivering his papers that he was to immediately get off the sidewalk and walk in the gutter until the person had passed. He also told me about signs for job openings

hanging in shop windows saying, "Catholics need not apply." This was in the 1940's.

Over the last 200 years people in both Maine and the nation have fought hard to extend religious freedom to all denominations. I do not want to roll back any of the protections and advances we have made in religious freedom. I admire the integrity and the belief of the sponsor of this bill and those who support it. I do not question their motives for this bill, but we differ in our opinions. I see this bill as a step backwards. I see this bill filled with unintended consequences. I see this bill being used as a vehicle for a few extremists to hide behind the words religious freedom as a way to circumvent our anti-discrimination laws. I see this bill as being used as an end run around the Maine Human Rights Acts. One of the biggest reasons, we uncovered during the public hearing on this bill, was that people did not know what their rights were under Maine law. We had people say that they were denied being able to wear a cross necklace at work or a child was denied bring a Bible to school. They are protected. They are allowed to do this. A child can bring a Bible to school. You can wear a cross necklace to work as long as necklaces are allowed with others. People need to know their rights. This bill, the Religious Freedom Restoration Act, would not give them any more rights. It would only give them, really, a cause of action in court.

The background. What happened on this religious freedom bill, the Religious Freedom Restoration Act? Why has this been going on? To answer this question we must go back to 1990, to the case of the Employment Division v Smith. Smith was a member of the Native American Church and also employed as a counselor in a private drug rehabilitation clinic. He was fired from the clinic for illegal possession of the drug Peyote. He applied to Oregon's unemployment division for unemployment benefits. His claim was denied because he was dismissed for work related misconduct for drug possession, being a drug counselor in a drug addict clinic. He brought suit, claiming that Oregon's drug law prohibiting the consumption of illegal drugs was sacramental religious and violated the free exercise clause of the Constitution. In the majority opinion, written by Justice Scalia, the U.S. Supreme Court held that neutral laws of general applicability do not violate the free exercise clause of the First Amendment. Justice Scalia wrote, "To permit this would be to make the professed doctrines of religious belief superior to the law of the land and, in effect, to permit every citizen to become a law unto himself. The compelling government interest requirement seems benign because it is familiar from other fields, but using it as a standard that we must meet before the government may accord different treatment is not remotely comparable to using it for the purpose here. What it would produce here, a private right to ignore generally applicable laws, is a constitutional anomaly." After this decision, a very broad coalition of people got together, including the ACLU who now opposes this bill, and said that they wanted to restore the compelling interest argument. What happened later was in 1993 Congress passed the Religious Freedom Restoration Act. I'll call it RFRA. The purpose of this law was to restore the compelling interest test. This happened, but four years later, in 1997, another decision by the U.S. Supreme Court held that the RFRA statute applied only to the federal government and Congress did not have the power to levy it against the state. It's now been 17 years since this 1997 decision and during this period of time 18 states have adopted some form of the federal RFRA, which means that 32 states have not adopted it. In fact, many states have rejected this bill and the

trend is away from adopting this bill. While the ACLU may have fought in 1993, they've had 23 years of hindsight and have seen the unforeseen consequences of this bill and are adamantly opposed to it.

Why don't we need this bill? Religious freedom is protected in Maine under the Constitution and there was no evidence given that Maine's existing religious protections were not working. Religious freedom is explicitly protected under the Maine Human Rights Commission. There are 34 religious exemptions in Title 5, Maine law, that protect religious freedom in everything from property taxes, immunization, school absences, smoking, polygraph tests, highway signs, food safety, Workers' Compensation, prisoner's rights, and alcohol and drug testing, just to name a few. Plus under Title 22, Health and Welfare, Maine has two statutes that protect physicians, nurses, healthcare workers, and others from having to perform or assist in any act pertaining to an abortion.

Many people mistakenly believe this bill will allow the manger scene back in front of the city hall or any other religious display. It will not. This bill does not make any specifics at all. What it does is give you a cause of action, a greater cause of action, to sue the government for any law, bill, or ordinance that they do. Why now? What has happened to bring this forward over 17 years? I don't know, but I do know three facts. The first one is that, although the first state passed a RFRA statute 17 years ago, according to research in our law library, this bill has never been introduced here in Maine. I also know, too, that in 2012 same sex couples won their freedom to marry by changing Maine law through the Citizen Initiative ballot process. The third fact I know is that in 2012 the Affordable Healthcare Act was passed by Congress and a ruling was made which required health plans to cover contraceptives. To date, 90 cases have been filed by people in states with RFRA to challenge this ruling under the Affordable Care Act. The Hobby Lobby case is the test case. This case is currently, right now, before the United States Supreme Court and oral arguments are scheduled on March 25<sup>th</sup>. This is a case where the owner of a company is using RFRA and his religious freedom to deny contraceptive coverage for his 13,000 employees. Maine should not pass anything until this case is decided. Since this bill was never introduced prior to 2012, it makes me wonder if this bill is really about religious freedom or is it about trying to erode the existing woman's rights and gay rights we have fought so hard for. We cannot use religious freedom as a vehicle to circumvent Maine's strong anti-discrimination laws. Maine has a history of working hard to strike a balance between religious freedoms and the right to equal protection under the law. We have a strong Human Rights Commission to uphold the Human Rights Act and we have strong Maine case law on well-defined facts. There are over 10,000 religious denominations in the world, with 50 to 100 known ones in Maine. According to survey results in a [Portland Press Herald](#) article, actually 70% of the people in Maine don't identify with a certain religion that they have. If we pass this bill what rights does it give to the people that don't identify with a religion? What rights will people then have if they suddenly decide to identify with a religion because they want certain protections?

I need to end with an e-mail that I just received yesterday. He writes, "As a Christian minister, I'm offended when religion, any religion, is used as an excuse to deprive others of their rights as human beings. We need to send a message to those who would do so that in the state of Maine legalized bigotry will not be



tolerated." He was urging me to oppose L.D. 1428 and I, along with this minister, also urge you to oppose L.D. 1428. 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 stand before you today to give you some compelling reasons as to why you should support L.D. 1428, An Act to Protect Religious Freedom. Unfortunately, the downside of going second is that you've going to have to listen to some things over again, hopefully with a different slant, certainly with a different interpretation. Before I explain L.D. 1428 and the reasons why you should support it, let me describe the recent actions to this bill. The public hearing for L.D. 1428 was held about a month ago and drew so many attendants that the two over-flow rooms were unable to contain everyone. Many of the people, which included members of the Islamic, Jewish, Protestant, Catholic, and Native American faiths, as well as more than a dozen legislators, spoke in favor of L.D. 1428. The numbers of supporters outweighed the bill's opponents by 7 to 1. Many of those supporters were average Maine citizens who not only expressed support for the bill but also offered testimony as to how their religious liberties had been threatened here in Maine. Compare this to those representing the special interests groups that spoke against it. With such wide-spread support and undeniable examples of risk of religious freedom, I was disappointed when the Judiciary Committee voted Ought Not to Pass and to defeat L.D. 1428. Unfortunately, this vote rested on misconceptions about the scope of this bill and the rejection of the historical records regarding similar legislation in 18 other states, that have just been mentioned here, and at the federal level. I would like to address these misconceptions and explain how L.D. 1428 is reasonable and much needed; a measure to adequately protect the rights that have been guaranteed to all citizens.

First I would like to explain what L.D. 1428 aims to do. It would require that any governmental action infringing upon a person's free exercise of religion must further a compelling governmental interest and be accomplished in the least restrictive way possible. I think those are the most important issues to remember here. I'm going to repeat them again. It must have a compelling governmental interest and be accomplished in the least restrictive way possible, or as President Bill Clinton said in 1993, when he signed the legislation on which L.D. 1428 is based, and I quote, "This law basically says that the government should be held to a very high level of proof before it interferes with someone's free exercise of religion." I didn't say that. President Clinton said that in 1993. L.D. 1428 is just that. It requires the government to seriously weigh the religious liberty interests of the citizens against its own interest. This is about government. This isn't about private citizens versus private citizens. This is about our government, ladies and gentlemen. It does not create any new rights. It does not, as the bill opponents would suggest, allow religious people to get away with anything that they want to. It does not guarantee religious claimants victory in conflicts against government action. It does not implement an unknown, previously untested standard for government action in the area of religious liberty. Instead L.D. 1428 simply requires that the government have a strong justification for infringing on the free exercise of religion, which is exactly the kind of restriction government should have when they are dealing with fundamental rights, which this is.

There are some who argue, however, that Maine citizens don't need L.D. 1428 to protect their religious freedom, as the First Amendment already protects religious freedom. The simple answer to that is; not like it used to, ladies and gentlemen. This is because in 1990, as you've heard before, the U.S. Supreme Court unraveled decades of religious exercise case law and handed down its decision in the *Employment Division v Smith*. In this decision the court narrowly decided that government action infringing upon religious exercise did not have to have strong justification, as has been the requirement for decades prior to the *Smith* case. Instead the *Smith* court said government action could infringe upon religious liberty as long as the action was religiously neutral and generally applicable; a standard, by the way, which the Maine Attorney General says applies to the free exercise of religion here in Maine. I hope you keep that in mind. For some of you here today, this may not seem like a problem. You may feel that the government should not have to have a strong justification before interfering with religious liberty or the religious liberty should be subjugated to generally applicable laws. Let me remind you, however, that the general laws can affect people incidentally, impeding on a free exercise of religion without the government intent to do so. Worse, generally applicable laws can, and have been, used to persecute religious minorities, even in the United States. For example, in the 1920's the Ku Klux Klan helped pass a public school law in Oregon that would have shut down every Catholic school in the state. From the 1930's to the 1950's towns across America imposed ordinances to stop the Jehovah Witness from proselytizing; ordinances that triggered the chain of events resulting in extreme violence against the Jehovah Witness for refusing to salute the flag. Throughout the 19<sup>th</sup> Century Americans in New York, Ohio, Missouri, and Illinois not only persecuted Mormons but forced them to move from state to state. Remarkably, it was religiously neutral, generally applicable laws, laws that did not even mention religion, that were the center of these incidents of intolerance.

These, my fellow Senators, are the kinds of laws that would be upheld by the *Smith* standard, a standard that, and let me remind you, is what the Maine Attorney General says that we have here in the state of Maine. Thankfully the fact that the generally applicable laws can result in religious persecutions and intolerance was not lost on the majority of Americans in the wake of the *Smith* case. Americans understood that the *Smith* decision practically eviscerated religious liberty. For example, in written testimony before the Senate Judiciary Committee in 1992, then President of the ACLU, Nadine Strossen, strong criticized the *Smith* decision. She stated that in *Smith* the court essentially, and I quote her, "Wrote the First Amendment's guarantee of the free exercise of religion out of the Constitution." I remind you, that wasn't me that said that. That was the President of the ACLU that said that, ladies and gentlemen. Consequently, more than 50 other groups, along all points of the political spectrum, including people from the American Way, Southern Baptist Convention, the American Moslem Council, and the ACLU, pushed Congress to respond. In 1993 these groups were successful when Congress passed, and President Bill Clinton signed, the Religious Freedom Restoration Act, referred to as RFRA. This law, which is practically identical to L.D. 1428, restored the pre-*Smith* requirement that government must have a compelling interest served through the least restrictive means in order to infringe upon religious liberty. In 1997, as you heard before, the Supreme Court decided in the *City of Boerne v Flores* that Congress did not have the authority to level the Religious

Freedom Restoration Act against the states. As a result, adequate protection for the free exercise of religion has to be settled in each state. L.D. 1428 is Maine's opportunity to provide that protection, the same protection that 18 other states, including Connecticut, Pennsylvania, and Rhode Island, our neighbors, have provided to their citizens and the same protection that a large bi-partisan group, including the ACLU, helped to secure on the federal level through the Religious Freedom Restoration Act.

Why then wouldn't Maine want to do the same? Why would Maine's law makers, who are responsible to provide full protection for the rights and guarantees to our citizens, fail to safeguard these fundamental rights? Unfortunately, a majority of my colleagues on the Judiciary Committee have found reasons to do just that, reasons, as I mentioned, that misunderstand the necessity and the scope of this bill. First, opponents argue that L.D. 1428 is unnecessary. They say that Maine already has enough protection for religious liberty and Maine citizens are simply unaware of what their rights are. Apparently then Maine's top lawyers, public policy experts, and the Attorney General herself are also unaware of what these rights are as none of these experts could agree during the public hearing or subsequent work sessions on which standard applies to the free exercise of religion here in Maine. In other words, none of them could agree on whether or not we are under Smith or not. In fact, the Attorney General, and later Representative Moriarty on our committee, used the exact same case, *Andersen v Town of Durham*, to reach opposite conclusions with the Attorney General saying that we are under the Smith case law and Representative Moriarty saying that we are not. If there is so much confusion than why in the world would the Legislature not act to clarify the standard review for the free exercise of religion? Why would you put the fundamental rights at risk? Why would you not insure that all Maine citizens have sufficient protection for the rights guaranteed to them by our Constitution? Furthermore, if everyone could agree that Maine Supreme Court has interpreted the Constitution of Maine's religious broadly, L.D. 1428 is needed to protect religious liberty from change to the interpretation of the State Constitution which could narrow the protection of religious liberty. If the Smith case law has taught us anything it is that one judicial opinion can, and this is in the [Harvard Law Review](#) in 1990, and I quote, "Gut the free exercise clause by distorting prior ruling."

L.D. 1428 provides a set of legal protections for religious liberty in addition to judicial interpretation of the Maine Constitution. The citizens of Maine deserve to have their fundamental rights protected to the greatest degree possible. When laws intersect with religious interests, citizens should not be automatically subjected to trauma. The societal interests of religious diversity and tolerance demands that when religious interests are involved the competing interest must carefully be weighed.

Another objection of opponents of L.D. 1428 raise is that the law would somehow allow all sorts of harmful and dangerous religious practices to occur here in Maine, that it would somehow, and I quote, "Open a Pandora's Box of unimagined problems." This second objection cannot be true if the first objection is true. In other words, if the bill is unneeded because Maine already has these same protections than the Pandora's Box would have already been unleashed and religiously based horrors would have already happened in Maine. This, of course, is not happening here in this state. Worse than rejecting the logic to oppose L.D. 1428 on both grounds, however, is the fact that the second

objection demonstrates a very severe misunderstanding of this bill. Specifically, the argument that L.D. 1428 opens Pandora's Box of dangers ignores the fact that it does not allow religious people to get away with whatever they want. It does not guarantee an outcome in any case involving religious claimants and it does not arm anyone with a religious trump card. Instead it provides a mere balancing test between governmental interests and the free exercise of religion. It simply requires that the government needs to seriously consider interests that have strong justification before infringing upon those fundamental rights. It does not say that the government must roll over and play dead any time a citizen makes a claim on religious grounds. Furthermore, it is absurd to argue that the government would not have a compelling interest in preventing the kinds of dangers that L.D. 1428 opponents theorize will happen. Arguing that this bill opens Pandora's Box of dangers blatantly disregards our history. L.D. 1428 does not attempt to navigate uncharted waters by implementing an unknown, untested standard for religious liberty. Eighteen other states and the federal government have this standard and these problems just have not occurred. Rhode Island and Connecticut, for example, have had their RFRA since 1993 and there is no record of governments in those states being forced to allow dangerous practices. Furthermore, the U.S. Supreme Court applied this compelling interest test in religious exercise cases for almost 30 years prior to the Smith case. In the years since 1993 that application has not resulted in any kind of dangerous activities. It has also not resulted in a tide wave of litigation, as opponents like to argue. The Maine Attorney General, for example, says, in written testimony on this bill, and I quote, "I anticipate a plethora of court cases, criminal, civil, and administrative, in which individuals assert a religious expression defense should this bill become law." This argument disregards the historical record. In the more than 20 years where RFRA has passed in 18 other states there have been a total of 147 cases. That's less than eight cases a year nationwide. That is hardly a plethora of cases. Additionally, there is little need to anticipate, or guess, what kind of effects L.D. 1428 will have on the legal system as the lengthy historical record already tell us what it is. This bill simply codifies existing Maine case law and it merely preserves the status quo. It will not give rise to any increase in litigation.

Finally, the opponents of L.D. 1428 argue that there are not just a few traditional religions but thousands of religions and we should, therefore, be wary of becoming too tolerant as many of the religions have strange and harmful practices. Again, this argument ignores the fact that L.D. 1428 does not give any religion or any religious practices a free pass against government action, but merely requires a balancing test between government interests and our fundamental rights. Even more troublesome, however, is that this argument can only lead to one of two conclusions; that some religions are worth protections while other religions are not, or that religious liberty in general should receive minimal protection because of the diversity of religions. This thinking is unacceptable to me, as it not only undermines one of America's most sacred rights but it also discriminates against minority religions. As legislators, we are responsible for protecting all of Maine's citizens and upholding every freedom guaranteed to us through the Constitution. This includes the freedom guaranteed in the First Amendment. The First Amendment does not distinguish between mainstream and minority religions. It does not distinguish between popular and unpopular religions. It certainly does not distinguish between

politically correct and politically incorrect religions. Therefore we must not either. We must not say that we support religious freedom and then turn our own backs on it. Fellow Senators, as long as we have the free exercise clause in the First Amendment we're obligated to uphold it. We're obligated to make sure that fundamental rights of our citizens receive the protections they deserve and we are obligated to insure that all Mainers can freely, and without improper governmental interference, exercise their faith. A week or so ago I sent each one of you some rationals for supporting this bill to remember and some quotes from President Obama made just a few days prior to that, February 6<sup>th</sup>. As you recall, he spoke about the importance of religious freedom. Included in his words were, and I quote, "We believe in the inherent dignity of every human being, dignity that no earthly power can take away. Central to that dignity is freedom of religion, the right of every person to practice their faith how they choose, to change their faith if they choose, or to practice no faith at all, and to do so free from persecution and fear." Again, ladies and gentlemen, that was President Obama. That wasn't Dave Burns. Mr. President, ladies and gentlemen of the Senate, this is not a partisan issue. This is an American issue. I urge you to reject the Majority Report and support the Minority Report. It's the right thing to do. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, first of all I'd like to thank my colleagues, Senator Valentino and Senator Burns, for really effectively setting out the two sides of this issue. From my perspective, Mr. President, this is a vote that should unite us and it's a mystery to me that it does not. The message of this bill is fairly simple, as far as I'm concerned. It says that government should not interfere with free exercise of religion unless it has a darned good reason. All of our ancestors in this Chamber came from somewhere else and many of them came to escape the tyranny of governments that interfered with their exercise of religion, in my case it was from the Ukraine. For decades, and actually centuries now, the Supreme Court has struggled with the proper balance between the will of the majority and the religious freedom of minorities. Since 1993 in this country, at least on the federal level, that standard has been clear. It capsulates some principles which are important to us, going back decades and centuries. I'd like to quote John Kennedy who said in 1960, "While this year it may be a Catholic against whom the finger of suspicion is pointed, in other years it has been, and may someday be again, a Jew or a Quaker or a Unitarian or a Baptist. It was Virginia's harassment of Baptist preachers, for example, that helped lead to Jefferson's statute of religious freedom. Today I may be the victim," President Kennedy said, "But tomorrow it may be you, until the whole fabric of our harmonious society is ripped at a time of great national peril." The United States Congress agreed with that sentiment in 1993 when, in response to the Smith case, as you've heard, it felt the need to act. That decision was virtually unanimously adopted. It was unanimous in the House of Representatives and I believe it was 97 to 3 in the Senate. Twenty-one years ago that passed. What has happened since then? Has the sky fallen? Have the floodgates of litigation opened up? Has anyone even suggested ever a repeal of that statute on the federal level? Has the American Civil Liberties Union, which now so vehemently opposes this, ever suggested

that the federal law be repealed because, with experience, we realize we made a mistake? The problem with the federal law, of course, as Senator Burns has pointed out, is it only protects our citizens against federal action, not against state action. Both have pointed out that 17 other states now, with over 200 combined years of experience, have been living with this and they've experienced about one case per year nationally. It certainly has not led to the parade of horrors that people have predicted, that somehow this would interfere with the government's ability to regulate drugs or child abuse or animal slaughter or misuse of government benefits or women's rights or unemployment benefits or prisoner claims or land use claims. None of that has come to pass in those other states. Again, the vote in Congress back then was darn near unanimous. It included the votes of Congresswoman Snowe and Congressman Andrews. It also included the strong support of George Mitchell, then Majority Leader, and Bill Cohen. If the two of them agree on something than I'm going to think long and hard before I'm going to disagree. You've already heard that Bill Clinton supported it. Carl Levin, Senator Simon, Senator Biden, Senator Feinstein, Senator Leahy; all protectors of individual rights all voted for this. Let me go back again just for a moment to 1993 when the ACLU weighed in on this. As Senator Burns stated, they were very, very much in favor of this bill at the time and spoke vocally in favor of it. Another thing that the President of the ACLU said at that time, "We are simply going back to where we were for a generation before the Supreme Court took the radical step of eviscerating free exercise law, in essence, reading out of the Constitution." That was the Smith case. When you hear from people about the parade of horrors that would occur if this act went into effect, I think past history is proof that we did not, in fact, see these things happen. Again, if it was such a bad idea 21 years ago that we passed this, and with experience we should be moving away from it, then why has nobody argued in favor of repeal? It just hasn't happened. President Clinton signed the bill. One of the other important co-sponsors was Senator Kennedy, who talked about the brave pioneers who founded America that came here, in part, to escape religious tyranny and to practice their faith free from government interference. The persecution they had suffered in the Old World convinced of the need to assure for all Americans, for all time, the right to practice their religion unencumbered by the yokes of religious freedom. All this bill does is brings Maine law into conformity with federal law, which has served us well federally and served 17 other states well and will serve us well in Maine. Let's do the right thing and let's pass this for Maine. Thank you, Mr. President.

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

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm so relieved that Senator Katz did not use a baseball analogy. I think everybody in this room believes in fair play. We think that all sides should get three strikes before you're out. In this case the federal government being one team says, "You get three strikes," but the state government says, "No, there is no consideration. We'll simply call you out." If you believe in fair and equal protection, whether it's federal or state law, than I think you should be in favor of L.D. 1428. A lot of folks will say, "Well, there is no example of the need for this in state law." This august Body certainly would never put somebody in a position where they violate their conscience. That's not what we

do here. Let me suggest to you that there is a great example of the need for this law in a bill that was brought forward to this Body just last session by Senator Sherman. Senator Sherman has some Amish people that live in Southern Aroostook, just like I have some Amish people that actually live in Waldo County, over in Unity. The folks that came to Senator Sherman sought relief from a violation of conscience. They don't think that, in their religion, it is okay for them to wear florescent orange. They sought relief from that while they were out hunting. They asked, and it was a pretty simple request, "Can we wear red rather than the orange?" This Body chose not to allow that to happen, instead maintaining that responsibility, that requirement, to wear orange, even though it was a violation of their religious beliefs. I think that's unfortunate. I think that we may have not given enough consideration to a very small religious contingent in this state. It doesn't matter if it's a big group or a small group, everybody deserves the same sort of protection. I would suggest to you that today we can take a step forward towards protecting people's religious freedoms. We can make sure that we pass other laws similar to this one that has violated the Amish folks in Southern Aroostook or in Unity, Maine. We can do the right thing and we can put this law in place, which is the same law that exists in a whole host of other states, and we can have a sense of fair play. Folks in Maine will know that they're going to receive the same protections, whether it's a federal law or a state law, and we can avoid violating people's religious freedoms. Thank you.

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, I read the title of this bill, An Act to Protect Religious Freedom." I thought, "That seems like a good idea." I read the bill and I found that the bill does just that. It sounded like a good idea. I talked with the sponsor of the bill at length. After our talk I told the sponsor that I would support his bill. That's what I'm doing here today. I'm keeping my word to the sponsor, the good Senator from Washington County. I also read the divided report. I can count. I can do the math, but I am honoring the commitment I made to Senator Burns. Over the weekend I, like many of you, received a number of e-mails regarding L.D. 1428. I learned that L.D. 1428 would undo every law that Maine has on the books. Some took the approach that L.D. 1428 would set the civil rights movement back 50 years. Frankly, from my perspective, religious freedom should be a civil right. I do not see those things anywhere in the bill. In fact, I am left with a question; shouldn't we be honoring the civil right of religious freedom? I also learned that L.D. 1428 is not needed since the right is stated in the Constitution. It seems to me that right to bear arms is also stated in the U.S. and the Maine Constitutions and that right shall never be questioned. As a member of the Criminal Justice and Public Safety Committee, I can tell you that that right is questioned. Every session there are bills put in that question the right of people to bear arms. The fact that religious freedom is in the Constitution appear to me that it is not a guarantee that it will receive universal respect any more than the Second Amendment to the Constitution. Finally, I am told by some that the idea of religious freedom has become a political issue. I pray that this vote does not follow party lines. 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, some of the comments today about it being 20 years and nothing has happened, that may be so. By their own comments they made, there are only 17 states that have done this and 33 others have chosen not to. Twenty years is certainly a long time. Things certainly can change in 20 years. We've seen a lot of change in this country with a lot of different laws that have given people rights that they didn't have in those 20 years. I stand here and think about just my short time in this Maine Senate, 5 years, it's 6 now. Way back, in what seems to be such a long time ago, in the 124<sup>th</sup> Legislature, sitting in the chair that the good Senator from Biddeford sits in, Senator Dutremble, and taking a vote on marriage equality. After having that vote on marriage equality, a lot of people calling, sending notes, and coming up to me and telling me that I was a hero on the vote that I took because I felt that my Senate District wanted me to vote that way. That was not a vote that I felt much a hero of. I felt very conflicted and torn by it. It was probably one of the toughest votes that I've made in my 12 years in this Legislature. Today, when I look at a bill like this, I don't see really where the problem has been here in Maine over the last 20 years with our current law. I certainly can see with a law change like this where there maybe people that are interested in using this law to make arguments that they haven't been able to make in just the last four or five years. I am French/Catholic. I've grown up a French/Catholic. I've been taught things throughout my life like turn the other cheek, do unto others as you'd have done unto yourself, live and let live, and love thy fellow man. Now whenever I get e-mails on this bill it's a lot of people talking about how we don't want to have anything to do with marriage equality or gay and lesbian people getting married. They are asking me to support this bill. Some of the calls they don't even know why they want me to support it. They are all calling me because they feel that, quite possibly, because of that vote I took five years ago I'm sympathetic. I ask them, "Why do you want this?" Like I said, it's either they don't know but they've been asked to call me or they don't want to have to deal with marriage equality. I think that's not right. That's something that has changed in this country, something that people have to learn to live with. I'm not saying anything about motives at all in this Body, but I do know that there are motives and people that want to use a law change like this so, if nothing else, they can make the argument that you're going against their religious freedom when you start dealing with this issue. When I was growing up I heard about the KKK in Maine. Just recently I've understood a little bit more about how predominant it was actually here in Maine and Maine being one of the whitest states in the nation. Where did the Klu Klux Klan use most of their anger towards? They used it towards French people. I don't really understand how you can say that a law like this, for some people, couldn't be a violation of their religious freedom, that they could go ahead and discriminate against anyone. For myself, this seems to open up a very wide door, even though people have said that wouldn't be the case. The calls I'm getting are clearly, clearly people that want to use this law to make arguments in that regard. For myself, again, not at all trying to talk about anyone's motives in this Body, but if you've got to use religion to separate yourself from other people that you don't see the same as yourself, to me that's a problem. That's a reason not to support this bill.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, the bill before us purports to establish religious freedom. I believe, whole heartedly, in religious freedom as established in our U.S. Constitution and the Constitution of Maine. What I do not support is over-reach in L.D. 1428 that would allow a person or organization to violate the civil and individual rights of others based on the former's religious beliefs. The bill does not establish religious freedom, which exists already in Maine law and in our Constitution. I believe fundamentally in the rights we accord to all people based on our Constitution and cannot allow any religion practiced by people to excuse violations of those rights. My parents taught me long ago that my right to swing my arms ends when it meets up against another person's right to not be assaulted. We all have to live this balance, free to hold and practice beliefs but not free to impose our beliefs on others at the expense of their rights.

Our laws exist to codify and implement balances between the many constitutionally expressed rights as well as the interactions between people holding those rights. L.D. 1428 upsets those balances, giving any non-violent actions supported by a religious belief more importance than the rights of other people. The Constitution does not say our nation should have two classes of people, those whose beliefs do not align with an established religion and a special class whose beliefs do and thus afford them preferential rights. When one religion's rights bumps up against another religion's rights, as exercised by two people or organizations, where than does the compelling state's interest exist, choosing which religious belief has greater merit? Yet L.D. 1428 does create both of these problems. In doing so it fails to acknowledge the very reason our Forefathers escaped persecution by official government religions. It was not forgotten by our Founders in writing that, "Congress shall make no law respecting an establishment of religion," while setting the balance by also writing that government cannot prohibit the free exercise of religion. Under our Constitution our rights exist apart from any established religion not based in them. It gives us the right to choose, and participate in, our chosen religion, but not a right to impose religious beliefs on others.

While the bill, and the proposed amendment, remains fatally flawed, I wanted to understand whether there was a problem needing a solution. I inquired about the South Bristol Elementary School's launching of boats built by students as a fundraiser and the Blessing of the Fleet which is traditionally part of that but was omitted last year because a parent objected and a national organization took exception to the practice. It turns out that, while a group of students could organize such a blessing on their own initiative, it violates the constitutional separation of church and state for the school to organize, or expect participation, in such a religious observance. While some disliked that determination, it is a Constitutional matter, not a problem with Maine law, that was and is relevant to that circumstance. Nothing in this, or any other law we might enact, would change those circumstances. While I strongly support religious freedom I cannot, in good conscience, and will not support creating any law that respects an establishment of religion over the other rights of people such as L.D. 1428 would. We've had mentioned here in the Chamber already today persecution. When any people's rights stem from their religion, and the state has to prove that it doesn't infringe on another right, aren't those whose rights not based on a religious

belief, or based on a different one, be persecuted? This is a balance we always have to draw. We shouldn't try to find balance, try to find an end to confusion or uncertainty, by extending a specific special right for a religious belief to supersede other rights. While I strongly support religious freedom, I urge you to join me in honoring the tendance of our Constitution and our oath to uphold it and accept the Ought Not to Pass Report.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to add some facts about a very specific thing. We've talked about compelling interests. I didn't notice many Constitutional scholars in the room. I certainly appreciate that. I rise because the good Senator Thibodeau brought my name in this. We have a number of Amish people in Aroostook County. There may be some in Waldo County also. I got a letter, because they don't use e-mail. They use horse and buggies. All grow beards, not all but most of them do depending on what group you are. There was a very simple request that had to do with hunting. In their religion, for whatever reason, I think it's maybe dress up too much, hunter orange infringes on their religion. They asked me to put a bill in, which I thought was fairly simply because where they came from, they are out of Pennsylvania and Ohio, I think some in other states where they are, they have been allowed to use a different color. I put it in. It seemed rather simple. Now we're into compelling interests and all that compelling is here in the state of Maine to say you can wear one color or the other. We've used different colors in the past. What I ran into was a little bit of a firestorm. I had a number of e-mails, some of them said, "If you don't like it here go back to where you came from." These little innocent Amish people, hardworking people. Now we're talking about great Constitutional issues and talking about the issue of compelling interest, which has already, I think, used here by the good Senator Katz. This takes place. This is a minor sense, but it's one where the state of Maine apparently, we didn't get to hear it because it didn't get through the Legislative Counsel by a Republican versus Democratic vote, could take care of this, maybe. I guess people thought it was such a compelling interest, they used that standard, to allow some other way to have individuals who wanted to hunt, and I think primarily on their own land, in a peaceful way in Aroostook County. That's kind of the rest of the story. I wish I'd saved all those e-mails. This would have been a great time to hand those out. Please don't ask for a forwarding request because they're somewhere in that computer. I thank you for listening to me and listening to the fact that this may be a real group of people you're talking about. Thank you.

**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 bring up that as far as, and I hate to do this, the Amish people, I see them in Aroostook County all the time. They really are a great culture and something that we're glad that they're in this state. The other flip of that is that Hindus, Buddhists, and Jainism all believe that there shouldn't be any hunting. They could argue the same argument that we shouldn't be hunting at all. I just think that this is an issue

that we haven't had a problem with in this state under our current law. I don't see any reason to change it at this point.

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

Senator **VALENTINO:** Thank you very much Mr. President. Men and women of the Senate, I just wanted to get up to address a couple of points that were being made in the floor speeches today. One was mentioned that the proponents outnumbered the opponents on this during the public hearing. I would say that most of the opponents did get together on this to submit testimony. It was a very long day. I'd like to just mention some of the people that were opposed to this bill; the Attorney General, the Maine Human Rights Commission, the Maine Mayors' Coalition, the Maine Municipal Association, Religious Coalition Against Discrimination, the ACLU, the Coalition for Maine Women, Equality Maine, the Maine AFLCIO, the Maine Coalition to End Domestic Violence, the Maine Education Association, the Maine Medical Association, Maine School Management Association, and that's just a few out of the many groups that came to testify. There was a lot of opposition to this bill. The second point I wanted to bring up is that there was mention of the Attorney General and a couple of her comments. I do have her letter that she had submitted before our committee. I will just read a couple of the things from it. She said, "I am speaking today in my capacity as the Chief Law Enforcement Officer for the state of Maine. I always say words are important. Every word in the bill, every term in the statute, has a meaning. The great danger here is that the law may give special rights to some while infringing on the rights of others. That may be an unintended consequence, but it is a real consequence." She goes on to say, "As a Law Enforcement Officer I remain most concerned about the bill's effect on criminal cases, but I am also concerned about the enforcement of administrative civil and criminal laws, rules, and policies enacted by the Legislature. You can pass this law, and it may feel good to pass this law and say that you have stood up for religious freedom, but what you are actually doing may be just the opposite. You may be trampling on the religions and beliefs of many and their right to practice as they believe. You may pass this bill, but there may be a price to pay. An awful price to pay." That was from testimony from our Attorney General. The next thing I wanted to address was that we heard that this is a simple message. As you can see, this is not a simple message. If this was a simple message than all 50 states would have passed this in the last 50 years.

There is not one single incidence that has been cited here today on why Maine should pass this bill. What has been discriminated against? Who has been discriminated against? The example that was given, I would also say on the Amish, is that the compelling interest test and substantial burden, if we had had this, it would not have given them a right to wear orange. It would have given them a right to go to court to see whether or not they could. Then the court would have had to balance the compelling interest and normally the compelling interest is whether it places a substantial burden, it is more a test if it has to do with health and safety and welfare of a community. They could, even if we had passed this bill, if they had gone to court, have been defeated, saying that this was a risk to their safety and other's safety who may accidentally shoot them if they could not be seen because everybody knows you're supposed to wear orange if you're out hunting in the woods.

The other thing I wanted to mention was they were saying about the cases on this. One of the supporters of the bill gave us a wealth of information. The Alliance Defending Freedom. Maybe you didn't know that I would read it all. I read through all 146 cases, the summaries of all of them, on really what had been filed for cases on religious freedom. To quote from their testimony, they say there are two types of litigation, prisoner litigation and land and zoning litigation, that appear more frequently than any other type of litigation in which the RFRA statutes are applied. For example, Florida has had several reported cases of RFRA since 1998. They've had the greatest amount of cases and only one instance out of the 23 where a state RFRA claim has been won on its merits. The other 22 all involved prisoner litigation or land and zoning litigation. In Illinois all of their cases except four were defeated under the RFRA statutes. All of those were under zoning litigation or prisoner litigation. In Alabama all nine of the cases were filed by prisoners under RFRA. You go through state by state by state and most of these are all done by prisoners or by churches. One said that they were in a historical zone and therefore they could put vinyl siding on even though it was against the policy of the historical society because they were exerting their claims under RFRA that they had a religious right to put vinyl siding on their building. Others have said they have a right to put signs, as many signs as they want, where they want. They have a right to build anywhere they want to. They do not have to follow zoning ordinances. These are the types of cases, the 146 cases that have gone through. Prisoners saying that they need to have a special diet. They need to have a special meal. They need to have a special room to pray in. That they can't cut their hair, can't cut their beard. That they need a bathroom facility where they pray at. You go through every single case. These are the types of cases that are going through. When we look at it, let's look back at the 20 years, the 146 cases. What has happened? That comes back to my original testimony. Why this bill now? If it's such a great bill and it doesn't really do a lot to diminish our rights and discrimination, why didn't we pass it 20 years ago when Bill Cohen and Ted Kennedy and others were standing up there? Because things have changed. We didn't need it and we don't. What has happened? One hundred and forty-six cases in 18 or 20 years, but 90 cases have been filed last year using RFRA under the Affordable Care Act saying that you don't want to provide to contraception to women. This is what has changed. This is why the ACLU has changed. This is why many people have changed. They do not support this now. This is what I'm saying. We don't need this in Maine. We have strong protections. We have strong anti-discrimination laws. I would like to end with one of the things that was said in one of the speeches. They pray that this vote will not follow party lines. I pray that this vote will not follow party lines. I hope all of you will vote Ought Not to Pass. 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'll try to be very brief. There are a couple of things I wanted to mention that I've listened to here today. Many people have tried to make this bill about one particular issue. I don't understand that. To be very frank with you, it's not about any one particular group of people. I don't believe that way. I don't act that way. I don't think that way. The

people that I associate with don't think that way. Whether you believe me or not, I can tell you this is about everybody's rights. I don't understand why everybody wouldn't want more rights for when it comes to their religious freedoms. I really like the example that the good Senator Johnston used about waving your arms. I think I was taught the exact same way. It's okay to do that until you start to be infringing on somebody else's rights. I think that example goes both ways, ladies and gentlemen. We get along so well in this country, and we do pretty good considering it's a melting pot and there are so many different beliefs, so many different faiths, so many different ways of life in this country. We do that, hopefully, better every year because we do respect each other's personal beliefs. It doesn't matter how much those personal beliefs contradict what I believe, you still have to respect them no matter who they are or where they are coming from. I won't get into specifics. There's no need to.

We have an obligation to respect other people's rights and beliefs. If we're not going to do that here I don't know where it will happen. If we're not willing to do it in this Body or the Body down the hall I don't know where on earth it will happen. If we don't set the example than who's going to do it? Who's going to do it in our schools? Who's going to do it in our communities? If the Maine Legislature doesn't see fit to protect everybody's individual rights, especially when it comes to religious rights, than I don't really know who will. Several people have said over and over again there is no problem. Well there is a problem, ladies and gentlemen. There's a problem because there's confusion in this state, as there was in other states, about what the standard is that we have to follow here. There is confusion between the attorneys, the Attorney General, the other experts who spoke, people on our committee, and people in the community. The fact is there is confusion as to what the standard is in this state when somebody's religious rights are allegedly being threatened. We need to clear up that confusion. Why is it necessary for the average citizen to have to take it upon themselves to go out and hire attorneys, or to try to get some support group behind them, to protect their rights? Why should they have to do that, ladies and gentlemen? I don't understand that. We should make sure that all the standards in this state, as in this country, are very clear so that when any governing body has an issue come before them they know clearly what the standards are. Don't subject the average every day citizen to having to take it upon themselves to go through the process, to spend money they don't have, and maybe be humiliated, to come forth and say, "I'm sorry, this is a violation of my religious rights." Let's have a clear standard in this state like we do in the federal government.

Over and over again you've been told that this is going to open up the floodgates. It hasn't opened up the floodgates. Look at the history. I don't know about the prisons and what's going on in the prisons, but across this country, since RFRA was established almost 30 years ago and in the 18 states that have adopted it, there has not been a floodgate of litigation. In fact, I would submit that the standard has become clear in those states so that you don't have to worry about that happening. People's rights are not trampled upon. When they are, there is a standard for which a governing body can make a clear and decisive decision on. I think we're wrong and I think we're remiss if we minimize, in any manner, shape or form, the importance of religious liberty and importance that that has to some people. I don't know about the people that called or e-mailed, what their motives were, what their understanding of this bill was. I think you can see that on both sides. We all know what happens when

people start encouraging people to reach out and either support or oppose something. There's always a chance for miscommunication. I do know that since this country came into existence there have been people willing to die for their religious liberty and their religious values so that we can live peacefully in this country. That's what this is all about. It's something that people hold dearly. It's something that people are willing to stand up for. Something that people are willing to die for. I hope we don't minimize it when we cast our vote here today. I think there is confusion. I don't think there's any question. I sat through the hearing just like 12 other people did. There was a lot of confusion as to what our standards here in Maine are. I'm asking us to set a clear set of standards. It's not going to protect any one person over the other. A good example, if you take a look at the state of Connecticut, if people want to make this an issue about same sex marriage or something of that matter, the state of Connecticut has had both of these in place for quite some time now, over six years. There has been no conflict. There will be no conflict here, ladies and gentlemen. I would ask you to consider that carefully. Thank you again for the privilege.

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

Senator **JOHNSON:** Thank you Mr. President. I have to rise while we're being asked to consider all of people's rights and what's been fought for over the years to point out that there are many kinds of rights in this country. Those rights, to practice religion, to vote, to live, to make decisions about your own body, many decisions this country has come to in our laws and our minister of the Constitution came from struggles. Many of those struggles involved loss of life. To me, it's very much about what people's right are and insuring that we honor all of those rights people hold. I want to leave you with a thought. I heard from a number of clergy of different denominations who contacted me. What stuck with me the most in the comments of a couple of them, I'll paraphrase what I heard, was, in essence, that they were saying we should not be raising religious beliefs over other rights. We should not be using, and they are adamantly opposed to using, religion as a weapon against other people's free exercise of rights that are not based in that particular religion. For me, it's very much about rights and the struggle for those over the years and that we uphold in this Chamber everyone's rights, that we strive to find the balance instead of giving special privileges to one category, because it's not especially when it comes to religious rights, it's when it comes to all rights that makes up my mind. Thank you.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Valentino to Accept the Majority Ought Not to Pass Report. 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 (#419)**

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT – JUSTIN L. ALFOND

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator VALENTINO of York to ACCEPT the Majority OUGHT NOT TO PASS Report, PREVAILED.

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator PATRICK for the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Amend the Work-sharing Program To Conform with Federal Law" (EMERGENCY)

S.P. 666 L.D. 1701

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-391).

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-391) READ and ADOPTED.

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

Sent down forthwith for concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Revise the Description of Commercial Fishing Vessels That Are Exempt from Attachment" (EMERGENCY) H.P. 1275 L.D. 1778

Comes from the House, REFERRED to the Committee on JUDICIARY and ordered printed.

On motion by Senator VALENTINO of York, REFERRED to the Committee on JUDICIARY and ordered printed, in concurrence.

Bill "An Act To Expand Consumer Choice for Wine" H.P. 1276 L.D. 1783

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.

Off Record Remarks

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

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

Senator HASKELL of Cumberland 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 CUSHING of Penobscot 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.

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



On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** to Thursday, February 20, 2014, at 10:00 in the morning.