

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

In Senate Chamber
Wednesday
March 21, 2012

Senate called to order by President Kevin L. Raye of Washington County.

Prayer by Monsignor Marc Caron from Prince of Peace Parish in Lewiston.

Posting of the Colors by Franco-American War Veterans, Post 31 of Lewiston.

Pledge of Allegiance led by Senator Troy D. Jackson of Aroostook County.

National Anthems of the United States, Canada and France will be performed by Rachel Boucher Ellis of Augusta.

Reading of the Journal of Tuesday, March 20, 2012.

Doctor of the day, Charles Pattavina, MD, FACEP of Winterport.

Off Record Remarks

The President requested the Sergeant-At-Arms escort the Senator from Penobscot, Senator **PLOWMAN** to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **DEBRA D. PLOWMAN** of Penobscot County.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1398

**RÉSOLUTION CONJOINTE HONORANT
LES FRANCO-AMÉRICAINS**

Considérant que, l'état du Maine est nommé après la province du Maine en France et que les villages de Paris et Calais dans l'état du Maine portent les noms de la capitale de France et du port français de Calais, respectivement; et

Considérant que, plus d'un tiers de la population du Maine est de descendance française et canadienne, et les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

Considérant que, le français est la première langue de milliers de citoyens du Maine; et

Considérant que, il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et

Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'État; maintenant, alors, qu'il soit

Résolu, que nous, les membres de la Cent-Vingt-cinquième Législature, assemblés dans la deuxième session régulière, au nom des gens que nous représentons, proclamons que mercredi, 21 mars, 2012 est le Jour Franco-Américain, soit célébré à la Capitale de l'État; et qu'il soit aussi

Résolu, que le Jour Franco-Américain soit célébré pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

**JOINT RESOLUTION RECOGNIZING
FRANCO-AMERICAN DAY**

WHEREAS, the State of Maine is named after the Province of Maine in France and the towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent, and Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Mainers and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the State Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the francophone world; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, proclaim that Wednesday, March 21, 2012 is Franco-American Day, to be celebrated at the State Capitol; and be it further

RESOLVED: That Franco-American Day be celebrated to commemorate the rich history of the French people in the State of Maine and the United States of America.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Orders

Expressions of Legislative Sentiment recognizing:

Daniel LaPointe, of Van Buren, on his induction into the Franco-American Hall of Fame. A native of Cyr Plantation, Mr. LaPointe received his Bachelor of Science degree in Agricultural Engineering from the University of Maine and was an active member of the United States Army Reserve. As an agri-businessman, Mr. LaPointe grew and shipped potatoes from a

350-acre farm and was the owner of JR LaPointe & Sons, Inc., LaPointe Sales, Inc. and Gateway Packers, Inc. He was president of the Maine Farm Bureau, vice-president of Maine Potato Growers, Inc. and vice-president of the National Potato Council. A champion of economic growth in northern Maine, Mr. LaPointe is presently Director of Economic and Community Development in Van Buren, chair of the Van Buren Housing Authority and a board member of the Van Buren Chamber of Commerce. He also is chair of the Maine Acadian Heritage Council, an affiliate of the Acadian National Park and National Park Service. Mr. LaPointe's involvement in the community includes membership in l'Association Francaise de la Vallee, the St. Peter Chanel Parish Justice and Peace Commission, the Van Buren Rotary Club and the St. John Valley Soil and Water Conservation District. He is chair of the Canado-Americaine Association. We acknowledge his service to his community and to the State of Maine and we congratulate Mr. LaPointe on his induction into the Franco-American Hall of Fame;

HLS 1062

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

READ.

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

Senator **JACKSON:** Thank you Madame President. Ladies and gentlemen of the Senate, it's a great honor this morning to be able to rise and speak about Dan LaPointe of Van Buren being inducted into the Franco-American Hall of Fame. Dan is someone that I got to know in the last four years by representing Senate District 35. He's someone that I've grown to admire. Quite honestly, as you get older and you start to understand how important your family and your heritage is, I've noticed, or I've been able to see and reflect on, how things have happened in the Saint John Valley with the French culture. They say that there is a generation there called the Lost Children of the French Culture. I've to come to realize that I and my parent's generation are a part of that lost children of the French culture. I think that the thing that brought it home to me the most, and I've told this story many times before, so if anyone's heard it I apologize, but it really was the defining moment in my understanding how that culture was, quite honestly, tried to be eradicated, was at the Ft. Kent blockhouse there was a kiosk there and it showed all kinds of pictures of the Saint John Valley back in the early 1900's. One of the pictures that was on the kiosk, because I was going around looking at them, was a picture of a young boy in, quite possibly, a one room classroom writing lines on a blackboard. I remember when I was young writing lines on a blackboard for some indiscretion that I did during the day. This young boy was writing lines, you could quite clearly make out what he was writing, "I will not speak French in class." That, in my mind, really brought it home to me, what many people had to go through during the period. Again, it gives me great honor to be able to be here today to recognize Dan and his wife, Marie Paule, because, quite honestly, many of occasions are a team effort. Dan has been someone that has been in the Saint John Valley, worked and strived, helping people in that area. A farmer and someone that has been active in economic development. All of that that I've seen him do, what I've also seen him do, which makes it so appropriate for this honor, is that he is there at every event that

promotes the Franco heritage. I've seen it consistently with what we're going through now with the World Acadian Congress. Every event that I go to Dan and his wife are there trying to help, trying to promote it, trying to make sure that it is done well, and to see and show what a great heritage that culture has. He always has words of encouragement, words of advice. Just a really super nice man that really thinks that the French heritage should be recognized for the great culture that it is. Like I said, I just couldn't be more happy to stand here today to recognize him and his wife. I just have to say thank you, Dan, for all you do and I really appreciate it.

PASSED, in concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber Dan LaPointe. Would he please rise and accept the greetings of the Maine Senate.

Richard "Blackie" Bechard, of Augusta, on his induction into the Franco-American Hall of Fame. Mr. Bechard is a graduate of Cony High School. He enlisted in the United States Navy at the age of 17, retiring after 21 years as a chief petty officer. After 17 years with the United States Postal Service, Mr. Bechard retired in 2000. He is a 50-year member of Le Club Calumet in Augusta, serving as its President and on the Executive Board, as well as chairing the Advisory Committee, the Finance Committee and the Medallion Award Committee. From 1984 to 1998 he worked on Le Festival de la Bastille, helping to found a tradition of celebrating French culture in Maine. Mr. Bechard is a member of several local fraternal and veterans groups and is a recipient of the Bronze Marquis De La Fayette award from the Republic of France. We acknowledge Mr. Bechard's service to his community and to the State of Maine, and we congratulate him on his induction into the Franco-American Hall of Fame;

HLS 1063

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

READ.

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

Senator **KATZ:** Thank you Madame President. Men and women of the Senate, it is my honor and privilege to recognize a constituent and a friend, Richard "Blackie" Bechard, and congratulate him on his induction into the Franco-American Hall of Fame. I've known Blackie for many years, but it occurred to me this morning that I have no idea how he got his nickname, Blackie. I'm not sure I want to know. I can tell you for sure that it has nothing to do with his heart. Blackie went to Augusta schools, served his country honorably in the United States Navy for over 20 years, and then returned to his hometown of Augusta where he worked for many years with the postal service and on retirement worked for quite a period of time with disabled American veterans as their adjutant. It's really his contributions to the Franco-American community, Madame President, that sets him apart. Blackie is a past President of the Le Club Calumet and is the winner of the highest honor of that organization, the Médaille d'Honneur. Most importantly, Blackie will be

remembered for an idea that he had, that he came up with and also worked very hard to bring to fruition; to create a major Summer festival in Maine to celebrate Franco-American heritage, culture, language, food, music, and dance. With the help of many others, Madame President, many of whom are in this room today, Blackie helped found Le Festival de la Bastille, which began in 1984 and has happened ever since in the city of Augusta, and is the absolute highlight of our Summer and the Summer for Franco-Americans and others all over the state of Maine. These days it is every-other-year. I'm glad it's this year. I welcome all of you to come and experience the Franco-American festival, Le Festival de la Bastille, that was Blackie's brainchild so many years ago. It's a time of fun, but it is an important event also in keeping alive the wonderful Franco-American culture. The Tourtière, the Cajun music, the dancing, and even the cold beer. A good time is had by all. As my good friend from Aroostook, Senator Jackson, said, it's incumbent upon all of us to recognize the importance of the Franco-American culture in our community and in our state. Blackie is joined today by his wife, Marjorie. His sister, Pauline, has come up from Florida. His daughter, Lisa, is here from Georgia. His daughter, Leslie, is here from Pennsylvania. Blackie is also joined by other members of Le Club Calumet, the pages that are here today from St. Michael's School, other friends, and half of the city of Augusta. On behalf of all of us in the Senate, Madame President, it's my pleasure to give congratulations to Richard "Blackie" Bechard on his well-deserved induction into the Franco-American Hall of Fame.

PASSED, in concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber Richard Bechard. Would he please rise and accept the greetings of the Maine Senate.

Off Record Remarks

Aliette Deland Couturier, of Lewiston, on her induction into the Franco-American Hall of Fame. Ms. Couturier has long been a mainstay of the Lewiston-Auburn Franco-American community, serving for many years as president of the local cultural organization La Survivance Francaise, while also handling hospitality for Chapter 52 of the Association Canado-Americaine. Ms. Couturier performed for several years with the quintet, The Silvertones, and devotes much time volunteering with the elderly, including assisting with the daily French Mass held in the chapel at d'Youville Pavilion. We acknowledge Ms. Couturier's service to her community and to the State, and we congratulate her on her induction into the Franco-American Hall of Fame;

HLS 1064

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

READ.

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

Senator **CRAVEN**: Thank you Madame President. Men and women of the Senate, and honorable guests, I'm delighted to stand here today and my heart is just overflowing with love and admiration for Aliette Couturier of Lewiston who is being inducted into the Franco-American Hall of Fame. I am so proud to be from Lewiston and to live in a community that is so rich in culture and heritage. People think that I'm Irish, but I live in Lewiston 100% of the time, so therefore I feel like I live a Franco life. I am more than honored to have nominated Aliette. She's the most wonderful person. She's warm. Everybody knows her for her kindness. She just is a wonderful, wonderful fixture around all of the events that happen in Lewiston and Auburn constantly, especially if it has anything to do with music or dance or happiness. We, indeed, are honoring many people in Aliette's family today. They are such a prominent and wonderful family that has done so much for our community. Her husband, Ron, is here. I congratulate him as well. I will have more to say about the family in a little while. Thank you, Madame President.

PASSED, in concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber Aliette Deland Couturier. Would she please rise and accept the greetings of the Maine Senate.

Off Record Remarks

The Honorable Dennis L. "Duke" Dutremble, of Biddeford, on his induction into the Franco-American Hall of Fame. Mr. Dutremble was the first Franco-American in the State's history to preside over the Maine Senate. He was born in Biddeford and was a standout athlete in both basketball and football. He received his bachelor's degree from the University of Maine at Farmington and his master's degree in public administration from the University of Maine at Orono. Mr. Dutremble taught in South Portland schools and at Thornton Academy. He served one term in the Maine House of Representatives and 7 terms in the Maine Senate. He was President of the Maine Senate during the 116th Legislature and served 6 years as Senate Assistant Majority Leader prior to that time. We acknowledge Mr. Dutremble's service to his community and to the State of Maine, and we congratulate him on his induction into the Franco-American Hall of Fame;

HLS 1065

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

READ.

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

Senator **SULLIVAN**: Thank you Madame President. Bon jour, that's it. I only have three years of French in high school and it's been many years. I've tried a couple of times in saying thank you and hello. Fortunately, they didn't say anything else to me, but acknowledged. So this is good. I am absolutely thrilled to be able to stand here and talk about my constituent and mentor and about Duke Dutremble. He and his family, those before Duke and

those after Duke, are the epitome of family service to the community. His family is able to list off U.S. Marshals, Senators in Augusta, Representatives, policemen, Mayors, Councilmen, and firemen. You name it and they have done it. They love their city. They love their family. They love their God. They love their heritage. Biddeford is very appreciative of the Dutremble family. When you say Dutremble in Biddeford you have to try to follow back through the roots to find out which Dubremble you are talking about.

That's going to cost you \$5. Just for the record, that was Duke and his phone went off. We know that. I don't know if you heard his comment or not. He said it was his father from heaven. That is an appropriate remark. I'm sure that his Dad is listening and very pleased at what his family has been able to offer to Biddeford.

I was reminded by my seatmate, he was here in the Senate, working with Governor McKernan. We probably would not have the reforms to Workers' Comp if we did not have two people willing to sit down and work out their problems. Senator Diamond said that President Dutremble had a way of bringing about compromise and respecting each other. It is what his family is about. It is what government is about. It is what America is about, regardless of if you are Irish, French, or try to be French for three years, like I am. He truly, truly is the epitome. It is an honor. Thank you so much for your service to Biddeford and to the state. Thank you, Madame President.

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

Senator **HOBBS**: Thank you Madame President. Merci beaucoup. It is a true honor and privilege to stand before you to congratulate the induction of Dennis L. "Duke" Dutremble into the Franco-American Hall of Fame. Duke and I have much in common, having grown up together, he is a few more years older than me. Our families and the roots of our past traditions, whether they were Irish or whether they were French, in my area it didn't make any difference. When I saw Duke walk in, if I may refer to him affectionately as Duke and not President of the Senate, which he was in the 116th Legislature, I think I reminisce about the history and roots of our community. Duke's roots, and the bar was set pretty high for Duke growing up, his grandfather gave his life to the state, the country, and his local community when he was shot as a police officer in the city of Biddeford and was revered as a hero. His father was a former local official, city official, State Representative, Mayor of Biddeford, and was really the patriarch of the family. Babe Dutremble served his state and nation well. His uncle served as sheriff for over 25 years in York County and represented the city of Biddeford locally. He also was the Federal U.S. Marshal, appointed by President Carter. Duke's roots in his community and the pride of being a Franco-American are deep. I am three-quarters Irish and you know I celebrated St. Patrick's Day with the good gentle-lady from Androscoggin last week with all of us, but this is an important day also because I and Duke's relatives all grew up together.

He is someone that was a consensus builder when he was a member of the Legislature. He was one that party labels meant something but the betterment of the state meant it all. Again, as was referred to by the good gentle-lady from the neighboring community of Biddeford, Senator Sullivan, what Duke brought to this Body and the other Body in his 16 years of service, seven terms in the Senate and one term in the House, was the spirit of

compromise, consensus, and trying to do what's best for everyone.

Duke also won't tell you this, but he was a proud member of the St. Louis Alumni Band. Believe it or not, even though he was a stand out athlete both in basketball and football at St. Louis High School, he also had a soft spot and was a musician. He went to the University of Farmington and really gained a special love for teaching. He taught in South Portland and, interestingly enough, he taught at Thornton Academy. Let me tell you, anyone who grew up in Biddeford, who played football for St. Louis High School, that could go and teach at Thornton Academy is a big person, not just in size either, but in heart and soul. He did it and he was one of finest teachers and a real role model for many of the students. During his tenure here in the Legislature there was many a day when he would bring students to be honorary pages or shadow him for the day. There are many individuals in my area of Biddeford and Saco that took the call up for public service because of his mentoring. Duke is a fine person, a good friend, a great community leader, and a good public servant in every level that he served. He demonstrated one thing when he was the President of the Senate and that is that leadership means being a leader and he was one. Even though I talk about it in the past, I'm proud that Duke is here to accept this award. It is truly deserved, his induction in the Franco-American Hall of Fame. Duke, congratulations from all of us and congratulations to your family, and the memories of your father, your grandfather, and all the relatives that served in public service in the state of Maine. Thank you.

PASSED, in concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber Dennis Dutremble. Would he please rise and accept the greetings of the Maine Senate.

The late Honorable Eugene Paradis, of Old Town, on his posthumous induction into the Franco-American Hall of Fame. Mr. Paradis was born in Old Town, married his childhood sweetheart, Cora Rand, and served his Nation as a member of the United States Marine Corps for over 30 years, which included service in World War II, the Korean War and the Vietnam War. After finishing his military career, Mr. Paradis served on the Town Council for Old Town and served 6 terms in the Maine House of Representatives, including a minority leadership role. We acknowledge his dedicated service to his community, the State of Maine and the Nation, and we honor his memory on his induction into the Franco-American Hall of Fame;

HLS 1066

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

READ.

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

Senator **SCHNEIDER:** Thank you Madame President. Men and women of the Senate, it is my honor to stand for Eugene Paradis of Old Town in recognition of his past service to not only the Legislature, but to the city of Old Town. I'd like to congratulate his

family and his friends who are here today for the outstanding service that he gave the state and our nation. He was in the military service for many years. He served the city of Old Town on the town council for many years. I'd like to thank him and have all of us thank him and his family for their support and honored service to all of us. Thank you.

PASSED, in concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber the family of Eugene Paradis: Cora Paradis; Paul Paradis; daughters Lynn Sawyer, Jeanne Paradis, and Michelle McClellan; and granddaughter, Katie Sawyer. Would they please rise and accept the greetings of the Maine Senate.

The late Honorable Robert Couturier, of Lewiston, on his posthumous induction into the Franco-American Hall of Fame. Mr. Couturier was born in Lewiston and graduated from St. Dominic High School, Bates College and the University of Maine School of Law. He taught school for 4 years before becoming a member of the State Bar. In 1965, Mr. Couturier was elected Mayor of Lewiston and became Lewiston's and the Nation's youngest mayor. Mr. Couturier was a practicing attorney for more than 40 years and served 3 terms as Androscoggin County Judge of Probate. In 1967, he was elected to the Maine State Senate. He served as General Counsel for L'Association Canado-Americaine and was elected its Secretary General in 1988. He was a member of Le Conseil de la Vie Francaise en Amerique in Quebec City and served on its board for 25 years. Mr. Couturier was named Chevalier de l'Ordre des Arts et des Lettres by the Government of France in 2000. We acknowledge Mr. Couturier's service to his community and to the State of Maine, and we honor his memory on the occasion of his induction into the Franco-American Hall of Fame;

HLS 1067

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

READ.

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

Senator **CRAVEN:** Thank you Madame President. Men and women of the Senate, in respect this honor is given posthumously to Judge Couturier. Mr. Couturier was born in Lewiston and graduated from St. Dominic High School, Bates College, and the University of Maine Law School. He has served as Mayor of Lewiston. He served in the Senate. He served and worked as an attorney and worked and served as a Probate Judge. Judge Robert Couturier has always been held in great high esteem in Lewiston, no matter what capacity he served in. I knew him actually as Probate Judge. I met him many times in the community, but at one point I became a guardian for a person who was incapacitated. Judge Couturier was the officiator and he was so very kind and patient to facilitate the guardianship. He also stood for pictures and congratulated us and behaved as if it was a whole family togetherness thing. I so appreciated that because the person was without a family and she greatly, greatly

appreciated that. I never forgot his kindness and his goodness, being a real person, and connecting to real people. His wife, Monique, is here today. I know that it is still a sad time for her because it has not been a long time since we lost him. I congratulate Mrs. Couturier and her entire family and thank them from the bottom of my heart for all of the contributions that they have given, and still are giving, our community. Thank you, Madame President.

PASSED, in concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber the family of Mr. Couturier. Would they please rise and accept the greetings of the Maine Senate.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Regarding Access to Eastern Road in Scarborough
H.P. 1340 L.D. 1817
(C "A" H-770)

In Senate, March 15, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-770)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-770) AND HOUSE AMENDMENT "A" (H-799)**, in **NON-CONCURRENCE**.

On motion by Senator **MARTIN** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

COMMUNICATIONS

The Following Communication: S.C. 783

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 19, 2012

The Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye:

This is to inform you that I am today nominating Thomas Eastler of Farmington for appointment to the Board of Environmental Protection.

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

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 784

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 19, 2012

The Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye:

This is to inform you that I am today nominating Albert C. Carver of Beals for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA §6024, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 785

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 19, 2012

The Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye:

This is to inform you that I am today nominating Angelo Ciocca of Cape Elizabeth for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA §6024, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 786

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 19, 2012

The Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye:

This is to inform you that I am today nominating Christopher Weiner of Portland for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA §6024, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by President Pro Tem
DEBRA D. PLOWMAN of Penobscot County.

SENATE PAPERS

Bill "An Act To Provide a Temporary Registration Plate to Certain Members of the Armed Forces"

S.P. 672 L.D. 1896

Presented by Senator SAVIELLO of Franklin. (GOVERNOR'S BILL)

Cosponsored by Representative CEBRA of Naples and Representatives: COTTA of China, DAMON of Bangor, JOHNSON of Eddington, SANDERSON of Chelsea, SARTY of Denmark, WEAVER of York, WILLETTE of Presque Isle, WOOD of Sabattus.

On motion by Senator **COLLINS** of York, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Strengthen the Relationship between Land Users and Landowners"

H.P. 1222 L.D. 1613

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-793).**

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-793).**

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

READ ONCE.

Committee Amendment "A" (H-793) **READ and ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education (EMERGENCY)

H.P. 1300 L.D. 1766

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

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennyville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-789)**.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass** Report.)

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

Reports **READ**.

On motion by Senator **LANGLEY** of Hancock, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator HASTINGS for the Committee on **JUDICIARY** on Bill "An Act To Facilitate Recovery of Debts Owed to the State for Indigent Legal Services"

S.P. 558 L.D. 1659

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-455)**.

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

READ ONCE.

Committee Amendment "A" (S-455) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senator COURTNEY for the Committee on **TAXATION** on Bill "An Act To Make Fisheries and Wildlife Projects Eligible for Tax Increment Financing"

S.P. 552 L.D. 1653

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-453)**.

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

READ ONCE.

Committee Amendment "A" (S-453) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Divided Report

Ten members of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Regarding Prequalification Processes for Contractors

S.P. 629 L.D. 1821

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-456)**.

Signed:

Senator:

SULLIVAN of York

Representatives:

COTTA of China
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
GRAHAM of North Yarmouth
HARVELL of Farmington
KAENRATH of South Portland
MOULTON of York
TURNER of Burlington

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Senator:
COLLINS of York

Representative:
CEBRA of Naples

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-457).**

Signed:

Senator:
THOMAS of Somerset

Reports **READ.**

Senator **THOMAS** of Somerset moved the Senate **ACCEPT** Report "**B**", **OUGHT NOT TO PASS.**

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **THOMAS** of Somerset to **ACCEPT** Report "**B**", **OUGHT NOT TO PASS.**

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

ENACTORS

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

Emergency Measure

An Act Concerning the Collection of Child Support Obligations
S.P. 549 L.D. 1650
(C "A" S-435)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government To Address Revenue Shortfalls Projected for the Fiscal Year Ending June 30, 2012

H.P. 1384 L.D. 1870
(H "A" H-778)

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

Senator **BRANNIGAN:** Thank you Madame President. Men and women of the Senate, I have been complaining to my caucus since January, early January, and so I ought to at least say something and put my objections on the record. That's what I'm doing here. This is a minor piece of a long and complex budget process. My complaint has been from the beginning that this has all been done in pieces. I don't remember this as a way that the Appropriations Committee or the Legislature has worked in the past. I can't even remember how many pieces have been presented to the Legislature in the last few months. I've been Chair of Appropriations as a House member and as a Senate member. I remember when we, in the 115th, came back after the shut-down, the famous shut-down, and we were in terrible trouble financially and we had a lot of work and difficulty putting together a budget, but we did and we didn't do it in pieces. We should see the whole picture. Granted, we complain and we moan when a budget is put in and then a change package comes along. That's necessary. Things do change. That's the way to do a budget, not this okay you're going to vote on this and then over here you're going to vote on that. You don't even know if something else is coming. You don't know what it is, but you vote here when you don't know what's coming. It's just unfair and a poor way to do business. I thought I would say those things because they have been bothering me and I have been bothering others. I said I would shut up and I haven't. Anyways, Madame President, I will now sit down.

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

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

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

Senator **KATZ:** Thank you Madame President. Men and women of the Senate, I rise in response to the remarks of the good Senator from Cumberland, Senator Brannigan. I do not bring to this discussion the institutional knowledge of Senator Brannigan or his historical perspective. With respect to this particular supplemental budget, I would note the following. First of all, the larger supplemental budget we was dealing with involves a huge shortfall within the Department of Health and Human Services caused by spending more than we had budgeted. The proposed

solutions to that are complicated and controversial and will take some time to complete. The second piece, the matter that is before us now, Madame President, was a second supplemental caused by a revenue shortfall. That is less money coming in than we expected to come in. There was a consensus reached on the Appropriations Committee, and I believe by leadership, that the appropriate way to approach that was to deal with that revenue shortfall supplemental budget quickly and get it out of the way so we could get back to the more difficult and controversial work of the other supplemental. The committee, and leadership on the committee, was unanimous in approaching the subject that way. We had a presentation from the Administration and brief public hearings, as I recall. There were some minor changes made to the proposal, but the committee unanimously passed, 13-0, in a bi-partisan fashion the revenue shortfall supplemental, which is now before us. Although I recognize that this might, and I don't know, be a deviation from the way things may have been done in the past, it was the consensus of everyone that this was the appropriate way to deal with this particular issue. That's why it is before us today. Thank you, Madame President.

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

Senator **BRANNIGAN:** Thank you Madame President. Not everyone and do you think some of us would have voted for that first piece if we had known what was coming? If we had known how badly the Appropriations Committee had been informed by the Administration. If we had known that, because they couldn't figure it out, they wouldn't admit. All of that should have been taken together. I'm sorry, but I didn't vote for it originally. If I did, I wish I hadn't. First time I've ever voted against a budget. The first time ever. I certainly, if I had it all to do over, would do it all over. I don't have a chance because it's gone and with the new one we don't know what's coming still. Thank you, Madame President.

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

Senator **SCHNEIDER:** Thank you Madame President. Men and women of the Senate, I'm very glad that Senator Katz, the Senator from Kennebec, talked about the budget in general because I had a great deal of angst over the budget, especially in light of the information that we've been given. I can't bring myself to vote for this because we didn't know. There was an absolute cover-up. Information had been withheld from all of us, both sides of the aisle. At least that is my understanding. A cover-up by the Executive to the Legislature. I voted in favor of the nomination of Commissioner Mayhew. I expected and believed that she would be forthcoming with all the information so that we could make informed decisions. That trust has been broken. I didn't vote for the budget for a lot of really good reasons and they got better. We did not have the information that we needed. We were withheld critical information. It's outrageous to me that we, as a Body and, in fact, as a Legislature, have not said more about this process and about the breach of trust that has occurred. The voices, in my opinion, have not been loud enough. This is huge to me, as somebody who supported the nomination of Commissioner Mayhew. It is a massive break and I don't understand why everybody in both Bodies, both sides of the aisle, and Independents have not risen up to say that this is a critical

breach of trust and an outrage. I wrote about it in my column recently, which will come out, about what the definition of cover-up is. It is absolutely a cover-up that has occurred under the Dome. I don't see how, at least for myself, going forward we can trust the information that we're being given by at least the Department of Health and Human Services. It's huge and I don't understand it. People who have talked about cover-ups and withholding information and all of this kind of thing. OPEGA should be looking into this. There should be all kinds of looking into this. Nobody knew what I was going to say because, frankly, I didn't know what I was going to say today. When the Senator from Kennebec opened up the budget as a whole, that's when I decided to rise. I don't get it. I don't understand why all of us, as Senators and Representatives, aren't more outraged by this behavior that has occurred. I supported this nominee and expected a lot from her. I expected her and the department to give us accurate information. When there is trouble, I expect them to reveal that trouble to us so we can understand what we have to deal with as far as a budget. That did not occur. I am very, very upset and outraged. The people of the state of Maine should be also because we made decisions in the dark thanks to the people who are responsible for giving us accurate information. When they are asked point blank, they should be honest because it's better to know the worst than to be in the dark. I hope, as a Body, that's it's not going to be a partisan things. I hope, as a Body, we will look into this. This is a serious matter and every one of us has a duty to speak out about it, regardless of which side of the aisle. She should be held to the same standards that every single person in the Administration should be held to and everybody should be accountable. We are accountable as well. We have to speak up for the people of the state of Maine when information like this has been withheld and a cover-up has occurred. Thank you.

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

Senator **KATZ:** Thank you Madame President. Men and women of the Senate, with all due respect to my friend and colleague Senator Schneider, I would suggest that her remarks are irrelevant, inflammatory, inaccurate, and intemperate.

THE PRESIDENT PRO TEM: For what purpose does the Senator rise?

Senator **DILL:** Thank you Madame President. I don't believe that the Senator's remarks are in keeping with the Senate rules and are personal attacks and inappropriate.

THE PRESIDENT PRO TEM: The Chair will admit that the Chair was not paying close attention to the remarks, but everyone will obey the same rules of the Senate that we have operated under and I will make that a blanket statement for all Senators. Thank you. The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Madame President. The remarks, in my perspective, Madam President, are mostly irrelevant. This budget we're talking about now has nothing whatsoever to do with the Department of Human Services. There is nothing in this supplemental budget that mentions the Department of Human Services. It is a budget caused by a revenue shortfall, not any

problems of overspending within the department. There is nothing about Commissioner Mayhew or any other representative of the department that is in this bill. Suggestions that perhaps the Administration officials should have told our committee more than they did beforehand, maybe yes, maybe no. This matter which is before us now has zero to do with that. When I mentioned in my earlier remarks about the other budget I was not talking about the biennial budget. I was talking about the other supplemental budget, which is still before us and remains before us, with respect with overspending within the department within the MaineCare account. I respect my colleague's remarks, but this particular issue before us shouldn't be a stage for a discussion of other widespread issues. It's a relatively simple four point something million dollar supplemental budget that was completely free of any controversy within our committee. By bringing it one floor up, I hope we can avoid now attaching controversy to it. Thank you, Madame President.

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

Senator **HILL:** Thank you Madame President. I think we're getting off the topic here. Two things I'd like to clarify. One, this wasn't done in the dark. It's a revenue shortfall. It was \$14 million. It was brought to our attention. I can tell you that this side of the aisle said to the other, "Your problem, not ours." The Administration should step up to the plate with some ideas." Senator Rosen took the responsibility of meeting with the Commissioner. He told us that he would look for money and that, in fact, this would be money that was considered benign. In fact, he delivered. There is no defunding here. No de-appropriation. It's strictly lapsed balances. Since there is only about three and a half months left to the budget, it was determined that those lapsed balances were, in fact, available. It is true that leadership on both sides of the aisle, as well as House and Senate Leads and House and Senate Chairs, agreed that we would move this forward. We had discussion in our separate caucuses. We then went on to have discussion around the horseshoe. We did unanimously vote this out. That's one part of it. It has items in it like debt service, FAME loan insurance, and salary savings. The other part I would like to correct is that it does have a DHHS piece. I don't want anyone walking out of here thinking it doesn't. In fact it does. There is about eight parts to it. I'm going to say them again. Debt service; FAME loan insurance; salary savings; Maine Revenue Service, which is an internal service fund; some lapsed funds from service centers; unused and unencumbered balance having to do with Farms for the Future; and funds for efficient delivery of local and regional services. All of these were agreed to by the agencies and the commissioners. Another piece, in fact, is DHHS, which is Riverview and Dorothea Dix unencumbered account for about \$309,000. I just want the record to be straight and for people to know what they are voting on. Again, this is benign. It was agreed to. It was worked on. We delivered what we said we would. I hope with the battles about DHHS, and I'm not commenting on those, they have to take place, but I don't think they have to take place over this piece. Thank you, Madame President.

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

Senator **SCHNEIDER:** Thank you Madame President. Men and women of the Senate, the money is connected. Whether you want to admit that or not, it is. The way I recall it is the night of the last budget we had two members from the other Body come down and say that if we didn't close this last budget that revenue forecasting had just come out with another set of numbers that showed that we were in the hole by a number of millions of dollars. I was there witness to it. To deny that, anybody knows that these numbers, whether you want them to be or not, are connected. These figures, the money flow is connected. To say that this is a whole separate pool, I understand the Appropriations Committee was faced with a specific situation, but they are connected whether we want to believe that or not. I agree with the previous comments made by the Senator from Cumberland, Senator Brannigan, about the piecemeal budgetary process which has occurred for the first time since I've been here. I've never seen picking out one particular department. I'll withhold other comments, but to deny that these are not connected, and to say that there maybe something wrong or not, is a denial of what has occurred here. I would challenge every single one of you to look up, even on WIKI, to see what the definition of a cover-up is. That's what we've been faced with, whether we want to admit it or not. The numbers are connected. The budget is connected. Every single budget that we pass is connected some way or another. I appreciate your listening and I hope to hear more from all of you about what we have been faced with and about the breach that has occurred to all of us. Thank you.

THE PRESIDENT PRO TEM: The Chair will interrupt debate to remind members that references to members of the other Body and actions of the other Body are not properly before this Body and to remind the members that we are debating L.D. 1870 and would the members, please, from this point on confine their remarks to the budget item before the Body. The pending question before the Senate is Enactment. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#385)

YEAS: Senators: ALFOND, BARTLETT, COLLINS, COURTNEY, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, RAYE, RECTOR, SAVIELLO, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DEBRA D. PLOWMAN

NAYS: Senators: BRANNIGAN, CRAVEN, JACKSON, PATRICK, SCHNEIDER

EXCUSED: Senator: ROSEN

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 5 Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Senate at Ease.

Senate called to order by President Pro Tem **DEBRA D. PLOWMAN** of Penobscot County.

Emergency

An Act To Allow the Change of Location of a Licensed Large Game Shooting Area

S.P. 630 L.D. 1822

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

On motion by Senator **THOMAS** of Somerset, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-454) **READ**.

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

Senator **THOMAS:** Thank you Madame President. Ladies and gentlemen of the Senate, what this does is removes the Emergency Preamble. I'd like to save this small business in my district. Apparently we can't get two-thirds, so we'll have to wait 90 days in order to move this park. That's about all I need to say. Thank you.

On motion by Senator **THOMAS** of Somerset, Senate Amendment "A" (S-454) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-454) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Acts

An Act Concerning Solid Waste Facility Citizen Advisory Committees

H.P. 522 L.D. 693
(H "A" H-786 to C "B" H-772)

An Act To Clarify the Site Location of Development Laws Regarding Exemptions for Previously Developed Sites

S.P. 547 L.D. 1648
(C "A" S-434)

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

Ordered sent down forthwith.

An Act To Establish a Separate State Council for Juveniles under the Interstate Compact for Juveniles

S.P. 604 L.D. 1756
(C "A" S-446)

On motion by Senator **COURTNEY** of York, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE**, in concurrence.

An Act To Revise the Laws Regarding the Fund for a Healthy Maine

S.P. 661 L.D. 1884

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

Off Record Remarks

Resolves

Resolve, Directing the Department of Health and Human Services To Review Rules Governing Reimbursement to MaineCare Recipients for Transportation to and from MaineCare Services

H.P. 1246 L.D. 1694
(C "A" H-783)

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

Ordered sent down forthwith.

Resolve, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings

S.P. 574 L.D. 1675
(S "A" S-442 to C "A" S-412)

On motion by Senator **RAYE** of Washington, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/14/12) Assigned matter:

HOUSE REPORT - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Repeal the Requirement That Canadian Big Game or Wild Turkey Hunters Be Accompanied by Guides Licensed in the State"

H.P. 1310 L.D. 1785

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-766)**

Tabled - March 14, 2012, by Senator **ALFOND** of Cumberland

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

(In House, March 13, 2012, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-766)**.)

(In Senate, March 14, 2012, Report **READ**.)

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

The Chair laid before the Senate the following Tabled and Later (3/14/12) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Amend the Law Regarding the Sale of Wood Pellets" (EMERGENCY)

H.P. 1219 L.D. 1610

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-727)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-728)** (3 members)

Tabled - March 14, 2012, by Senator **COURTNEY** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)** Report, in concurrence

(In House, March 13, 2012, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727) AS AMENDED BY HOUSE AMENDMENT "A" (H-755)** thereto.)

(In Senate, March 14, 2012, Reports **READ**.)

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **COURTNEY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)** Report, in concurrence.

The Chair laid before the Senate the following Tabled and Later (3/20/12) Assigned matter:

Emergency

Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education

H.P. 1308 L.D. 1783
(C "A" H-759)

Tabled - March 20, 2012, by Senator **LANGLEY** of Hancock

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, March 15, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-759)**, in concurrence.)

(In House, March 19, 2012, **FAILED FINAL PASSAGE**.)

On motion by Senator **LANGLEY** of Hancock, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-759)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-459) **READ**.

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

Senator **LANGLEY:** Thank you Madame President. Men and women of the Senate, this is purely an amendment to strip off the Emergency Preamble and to allow it to come up for a straight vote.

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-459) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-759) AND SENATE AMENDMENT "A" (S-459), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by Pro Tem **DEBRA D. PLOWMAN** of Penobscot County.

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

Senator **RECTOR** of Knox was granted unanimous consent to address the Senate off the Record.

Senator **LANGLEY** of Hancock was granted unanimous consent to address the Senate off the Record.

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

Senate at Ease.

Senate called to order by Pro Tem **DEBRA D. PLOWMAN** of Penobscot County.

ORDERS OF THE DAY

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

An Act To Revise the Laws Regarding the Fund for a Healthy Maine

S.P. 661 L.D. 1884

Tabled - March 21, 2012, by Senator **COURTNEY** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, March 19, 2012, **PASSED TO BE ENGROSSED**.)

(In House, March 20, 2012, **PASSED TO BE ENACTED**.)

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

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

HOUSE REPORT - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Repeal the Requirement That Canadian Big Game or Wild Turkey Hunters Be Accompanied by Guides Licensed in the State"

H.P. 1310 L.D. 1785

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-766)**

Tabled - March 21, 2012, by Senator **ALFOND** of Cumberland

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

(In House, March 13, 2012, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-766)**.)

(In Senate, March 14, 2012, Report **READ**.)

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

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

Senator **JACKSON:** Thank you Madame President. Ladies and gentlemen of the Senate, I have to confess, it's been a very hectic day and I actually thought we were doing unfinished 8. Quite honestly, I don't have a lot of material I wanted to handout. That being said, I'll try to be light on my feet. The bill we have before us, not being on that committee any more, seeks to take away the requirement that hunters from Quebec and New Brunswick hire guides when they come to hunt in Maine. That was a provision that we put into law, I believe, four years ago. It was in response to the fact that whenever you go to Canada, as a U.S. resident, you are required to have a guide. We felt that it was appropriate that there was reciprocity between the three, the state of Maine, the Provinces of Quebec and New Brunswick. As everyone knows, we have a real problem with the deer herd in Northern Maine. In fact, I believe yesterday we passed a bill to allocate money for the deer predation in Northern Aroostook County and Washington County. Why we feel it's so necessary to allow people from other provinces to come to Northern Maine to hunt deer when we don't have that reciprocity I don't understand. There seems to be some confusion. That's the stuff I don't have before you because of the kind of day it's been. I had asked NCSL to look into the issue. I don't have it, but they clearly state that New Brunswick doesn't allow anyone that's a resident of Maine to come into New Brunswick and hunt without a guide. It's clear. In Quebec, quite honestly, there is some issue, but they said that in most cases you are also required to have a guide there. There is a little clause in there that makes it a little more

confusing. I still think it makes my point, they clearly want you to have a guide whenever you come to their province. I think that it's appropriate that Maine has that reciprocity. We have trouble with our deer herd. I don't understand why we're making this change now, or at any time. We want to be doing anything we can to protect the deer herd. I'm just a little confused. There is minimal gain to the state of Maine by doing this. There is no one that can convince me that there is any benefit, economically, because we're talking about people that are, in most cases, coming in through St. Pamphile and they never really reach any of the tourist places or guides or anything like that. They turn around and go right back in. There are just trees there, so there is no economics there. I hear this argument from the Northern Maine woods to some extent, because of the gate fees. That's not what is hurting Northern Maine woods, gate fees. It's the lack of foreign hunters coming into the state in the month of November. I just can't fathom why we want to give this away. It would be different if we could say to Quebec, "If you want to have reciprocity, then we'll do that also." As it is now, they are protecting their resources, which they should, and I believe that we should do the same. There is no economic gain in doing this. There is probably economic loss in the long run. I'm asking people to vote against the report. I know it's a unanimous report, but that really doesn't matter to me. In fact, in my mind, this is wrong. If you came to Northern Maine and talked to the guides and the hunters and all that, they would be very upset with this type of thing. That's why we put it in to begin with. I'm sure the committee heard from big landowners that many times have issues with their foremen and stuff. They are out of Canada and they are not able to bring their guns here and hunt during the day while they are cruising through the woods and stuff like that. Let's let it go and see what happens. Why we would want to do this at this time, with such a crisis with the deer herd, I can't understand.

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

Senator **THOMAS:** Thank you Madame President. Ladies and gentlemen of the Senate, the Senator from Aroostook, Senator Jackson, may not think that there is an economic problem, but the business owners in my district that depend on these Canadian big game hunters used to get a few. It's not a huge amount of tourists that come over, but every visitor to those businesses count. Their numbers are way off. They need those businesses. Since this law has been in effect they've seen a dramatic reduction in the number of Canadians coming down. If those businesses are going to survive they need every hunter that they can get. I urge you to vote for this. Thank you.

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

Senator **MARTIN:** Thank you Madame President. This was a unanimous committee report. We felt that there was a lot of testimony on both sides, but the testimony we heard the loudest was that there were a lot of issues with Canadians coming down and blocking off roads and building these temporary shanties. That was the bulk of the testimony we heard. We heard testimony from the department that this was obviously a boon for them with licensing fees, as well as tens of thousands of dollars that was taken out of the local economy that will come back into

the local economy. There was a positive fiscal note on the bill as well. Thank you.

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

Senator **BARTLETT:** Thank you Madame President. The more I hear the more I am confused. It seems to me we may be picking some businesses over others. Since when you go to Canada you are required to get a guide, that's a benefit to those guides and the businesses there. When they come here, we won't require them to get a guide, on the hopes that it's going to bring back more business. It seems to me that there is a trend of trying to sort of give away the store in hopes that it's going to bring people here. No other place works that way. If you travel around this country you pay really high meals and lodging taxes and sometimes local excise taxes whenever you step into a city or community to spend the night. When you go to Canada they are requiring you to use a guide. It seems to me that reciprocity is the key. What is good for the goose is good for the gander. If they want to impose these requirements on us when we go, we ought to have the same requirements when they come here. I don't think it's fair to pick some businesses over others, to say we're going to sell the guides short in the hopes that we may get more people coming, more traffic here. Thank you, Madame President.

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

Senator **COURTNEY:** Thank you Madame President. Men and women of the Senate, briefly. As I look at the summary of the existing law, it appears that this law is in place only for residents of New Brunswick and Quebec, not all of Canada, which I think is a very unusual law. I'm sure I wouldn't have voted for it. It would seem to me that we ought to take the first step in tearing down these barriers between our Franco friends and there is not a better day than Franco Day in the Legislature to say, "Welcome to Maine." Thank you, Madame President.

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

Senator **JACKSON:** Thank you Madame President. Ladies and gentlemen of the Senate, I figured that might come up somewhere. It had to be done today. That's okay. The fact is that I would love to have the walls torn down. Bring it all down. The fact is that Canadians have had this in place, Quebec and New Brunswick, for years. They are doing it right, in my mind. All we're saying, or all we were saying with that law four years ago, is that if you want to require us to have a guide then we're going to require you to have a guide. Like I said, with the deer herd in decline, I think it makes sense. Also at that time it was sold as economic development for the guides because these people aren't coming in and renting places or getting guides unless you require them to have a guide. They are not and they weren't in the past and they won't again if we take that requirement away. They are not going to have any guides, be going to sporting camps, or anything like that. They weren't in the past and they won't if we change it today. We seem to have that happen all the time now. We're more worried about what foreign countries are doing than protecting the people in our own state. I just don't

agree with that. I don't understand why we want to do that, but it seems like that is a reoccurring theme in this Body.

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

Senator **SULLIVAN:** Thank you Madame President. May I pose a series of questions through the Chair?

THE PRESIDENT PRO TEM: The Senator may pose her questions.

Senator **SULLIVAN:** Thank you Madame President. The series of questions would be: are our Maine guides, official Maine guides, is that schooling that they take, courses that they take? Did they invest money in their business in order to grow that? That would be question number one. Question number two would be: why would we think any less of our Maine guides if, indeed, there are places in Canada that insist that we use a Canadian guide when they go through? Three: are those Maine guides connected with the State at all as far as State people? I guess my forth question would be not so much a question as probably a statement: would somebody show me why the Senator from Cumberland, Senator Bartlett, would be wrong in his thinking that we aren't pitting one business against another, big businesses against the guides that have chosen to live in the woods and try to make a living from that? Those would be my questions. Thank you.

THE PRESIDENT PRO TEM: The Senator from York, Senator Sullivan poses a series of questions through the Chair to anyone who may wish to answer. The pending question before the Senate is Acceptance of the Report, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#386)

YEAS: Senators: COURTNEY, DILL, FARNHAM, HASTINGS, HILL, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, RAYE, RECTOR, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - DEBRA D. PLOWMAN

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, GERZOFSKY, GOODALL, HOBBS, JACKSON, JOHNSON, SULLIVAN

ABSENT: Senator: COLLINS

EXCUSED: Senator: ROSEN

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-766)** Report, **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-766) **READ** and **ADOPTED**, in concurrence.

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

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

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Amend the Law Regarding the Sale of Wood Pellets" (EMERGENCY)

H.P. 1219 L.D. 1610

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-727)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-728)** (3 members)

Tabled - March 21, 2012, by Senator **ALFOND** of Cumberland

Pending - motion by Senator **COURTNEY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)** Report, in concurrence

(In House, March 13, 2012, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727) AS AMENDED BY HOUSE AMENDMENT "A" (H-755)** thereto.)

(In Senate, March 14, 2012, Reports **READ**.)

On motion by Senator **COURTNEY** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)** Report, **ACCEPTED**, in concurrence.

Senate at Ease.

Senate called to order by Pro Tem **DEBRA D. PLOWMAN** of Penobscot County.

READ ONCE.

Committee Amendment "A" (H-727) **READ**.

House Amendment "A" (H-755) to Committee Amendment "A" (H-727) **READ** and **ADOPTED**, in concurrence.

Off Record Remarks

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-450) to Committee Amendment "A" (H-727) **READ**.

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Thursday, March 22, 2012, at 10:00 in the morning.

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

Senator **JACKSON:** Thank you Madame President. Ladies and gentlemen of the Senate, this amendment requires that the Maine State Housing Authority amend its rules governing the awarding of contracts to supplier of wood pellets to give preference to a supplier of wood pellets as incorporated under the laws and has a principle place of business within a state in the United States of America. Simply put, this bill would have Maine State Housing give preference to U.S. companies in the buying of wood pellets. There is no shortage of suppliers of wood pellets in the state of Maine and in the United States. I think it is a pro small business bill, something that we all should be able to get onboard with. I just can't see any reason why we wouldn't want to at least give preference to, or at least look at, small businesses and business owners in the state of Maine. We certainly can do this, so I would hope that everyone would just let this slide right on and think it's a great idea and we can all thumb ourselves up for being pro business.

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

Senator **COURTNEY:** Thank you Madame President. Men and women of the Senate, I would encourage all of my colleagues to just let this slide right on.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-450) to Committee Amendment "A" (H-727) **ADOPTED**.

Committee Amendment "A" (H-727) as Amended by House Amendment "A" (H-755) and Senate Amendment "A" (S-450) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727) AS AMENDED BY HOUSE AMENDMENT "A" (H-755) AND SENATE AMENDMENT "A" (S-450) thereto, in **NON-CONCURRENCE**.

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

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