

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

Off Record Remarks

In Senate Chamber  
Friday  
April 4, 2014

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

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

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace"  
S.P. 664 L.D. 1669  
(S "B" S-485 to C "A" S-440)

Prayer by Rabbi Erica Asch, Temple Beth El in Augusta.

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-440)** (6 members)

**RABBI ASCH:** Eloheinu, v'lohei avoteinu v'imoteinu, our God and God of our ancestors, as we enter into the last few weeks of our legislative session we are aware of the important work that still remains to be done. We are aware that we often disagree about solutions to our problems, but as we enter into a day of deliberation and debate let us work to make sure our arguments are good ones. Jewish tradition is full of disputes, but distinguishes between disputes which are leshem shamayim, for the sake of heaven, and those which are not. We are told that disputes which are for the sake of heaven will endure, where those that are not will not endure.

Report "B" - **Ought Not to Pass** (6 members)

What does it mean to have a dispute for the sake of heaven? In Jewish tradition the paradigm of this type of disagreement were Hillel and Shammai, who argued about almost everything, but who saw that there was merit to each position. This is what was understood to be for the sake of heaven, a disagreement where we see the kernel of truth in each side of the debate.

In Senate, April 2, 2014, Report "A", **OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-440) AS AMENDED BY SENATE AMENDMENT "B" (S-485)** thereto.

In our own country the United States Supreme Court publishes both the majority and minority opinions. Although the minority technically lost the argument, their opinion is respected by recording and preserving their reasoning. Thus, as we move into our debates today may we remember to conduct ourselves leshem shamayim, for the sake of heaven. May we respect and hear our colleagues, even though we do not always agree with them. May we see the spark of truth in many different ideas. May we realize that what we decide today may not be the decision of the future generations.

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

God, may You guard our speech from ill-will and our lips from deception. May we practice humility, even with those whom we disagree. May all our deliberations today be leshem shayim, for the sake of heaven. Cain y'hei ratzon, may this be God's will. Let us say Amen.

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

**Non-Concurrent Matter**

Pledge of Allegiance led by Senator Patrick S.A. Flood of Kennebec County.

Bill "An Act To Delay Implementation of the Maine Metallic Mineral Mining Act and Related Statutory Provisions" (EMERGENCY)  
S.P. 750 L.D. 1851

In Senate, April 2, 2014, **PASSED TO BE ENGROSSED**.

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

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

**COMMUNICATIONS**

Reading of the Journal of Thursday, April 3, 2014.

The Following Communication: S.C. 879

Doctor of the day, Dylan McKenney, MD of Portland.

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

April 3, 2014

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

Dear President Alford and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 182 An Act To Support the Maine Lobster Industry
- L.D. 230 An Act To Establish the Commission on Health Care Cost and Quality
- L.D. 234 An Act To Provide Tax Treatment Consistency for Limited Liability Companies and S Corporations
- L.D. 368 An Act To Ensure the Continuation of Dairy Farming (EMERGENCY)
- L.D. 396 An Act To Appropriate Sufficient Funds for Indigent Legal Services (EMERGENCY)
- L.D. 436 An Act To Raise the Maximum 529 Plan Contribution Tax Deduction
- L.D. 455 An Act To Increase the State Earned Income Credit
- L.D. 481 An Act To Amend the Laws Governing Virtual Public Charter Schools
- L.D. 499 An Act To Promote Dental Care for Low-income Populations
- L.D. 631 An Act To Change the Taxes on Fuel Purchased for Use Other Than on the Highways
- L.D. 672 An Act Relating to Exemption from Immunization for Schoolchildren
- L.D. 741 An Act To Promote Fairness in the Sales Tax Exemption for Vehicles Used in Interstate Commerce
- L.D. 951 An Act To Repeal the 2-year Limit on Methadone and Suboxone Treatments under MaineCare
- L.D. 1309 An Act To Strengthen the Maine Clean Election Act
- L.D. 1354 An Act To Create the Aging in Place Program

L.D. 1424 An Act To Increase Mileage Reimbursement and Compensation for Jurors

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

Sincerely,

S/Sen. Dawn Hill  
Senate Chair

S/Rep. Margaret R. Rotundo  
House Chair

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

---

The Following Communication: H.C. 400

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

April 3, 2014

Honorable Darek M. Grant  
Secretary of the Senate  
126th Maine Legislature  
Augusta, Maine 04333

Dear Secretary Grant:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Marine Resources on Bill "An Act Regarding Wet Storage Sites for Cultured Marine Organisms" (H.P. 1175) (L.D. 1603)

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ** and **ORDERED PLACED ON FILE.**

---

The Following Communication: H.C. 393

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

April 1, 2014

The 126th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1365, "An Act To Promote New Models of Mobility and Access to Transportation."

This bill is unnecessary and unwieldy. MaineDOT is in the process of writing a new statewide strategic transit plan, which addresses the concerns outlined in this bill. The Department has been successfully spearheading this effort without legislative action for approximately a year now; I trust they will accomplish this without a legislative mandate.

Further, LD 1365 creates an eighteen member advisory group to provide input on transit issues in the State. After reviewing the membership of such group, I feel conflicts of interest may arise and compromise the duties of the advisory group.

For these reasons, I return LD 1365 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Promote New Models of Mobility and Access to Transportation

H.P. 973 L.D. 1365

Comes from the House, 119 members having voted in the affirmative and 25 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

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

A vote of yes was in favor of the Bill.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#538)**

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFKY, 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, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE

ABSENT: Senator: LANGLEY

EXCUSED: Senator: YOUNGBLOOD

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and 19 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

---

**ORDERS**

**Joint Order**

Expressions of Legislative Sentiment recognizing:

Greater Portland Landmarks, of Portland, on the occasion of its 50th Anniversary. Founded in 1964, during a time of urban renewal and in response to the demolition of Portland's historic Union Station, Greater Portland Landmarks' mission is the preservation, appreciation and revitalization of the architectural fabric, history and heritage of the built environment of the Portland area. Today, the organization continues to provide leadership, advocacy, education and expert resources regarding the buildings and landscapes that will be tomorrow's landmarks. Greater Portland Landmarks seeks to instill community pride and to encourage the people of Maine to remain participants in the planning, preservation and innovation that will shape our shared future. We congratulate Greater Portland Landmarks on its 50th Anniversary and for its past accomplishments. We send our best wishes on its future work focused upon the challenges of a changing Maine;

SLS 899

Sponsored by Senator HASKELL of Cumberland.  
Cosponsored by Senator: President ALFOND of Cumberland, Representatives: CHIPMAN of Portland, DION of Portland, FARNSWORTH of Portland, HARLOW of Portland, JORGENSEN of Portland, MOONEN of Portland, RUSSELL of Portland, STUCKEY of Portland.

**READ.**

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, it's with great pleasure today that I rise to recognize a very important occasion in the life of the Greater Portland Landmarks. It's their 50<sup>th</sup> Anniversary. They were founded in 1964, during a time of urban renewal. I can remember as a child, and now I'll age myself but that's all right, we had a lot

of relatives in New Hampshire. We didn't have a vehicle. We traveled by train a lot. Being able to go down to Union Station in Portland, to that beautiful building, and ride the train out of there down to Boston, over to Rochester, up to Rockingham, and down to Manchester was one of the fondest memories of my childhood is all of these wonderful train rides. Historic Union Station was demolished that year. It was one of those things, I think, that really shook the consciousness of people who are aware of the beautiful historic buildings and history in our community and created then the impetus for the tremendous work that's been done over the years by the Greater Portland Landmarks in revitalizing the architectural fabric, the history, and the heritage of the built environment of this Portland area. They also now continue to be so well respected in the areas of advocacy and education and expert resources. They are one of the reasons that, proudly, when I stand up and say I'm from Portland I have a great sense of the community and of the planning and preservation and innovation that went into what's happened in the last 50 years and what's going to continue to go on because of the extraordinary work of this organization. I'm so pleased to be able to present this to them today and also note that if you have an opportunity to pick up the Landmarks Observer, there's a tremendous amount of information about what the organization is doing. Thank you, Mr. President.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Hillary Bassett from Greater Portland Landmarks. Would Hillary please rise and accept the warm greetings of the Maine State Senate.

---

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **TAXATION** on Bill "An Act To Provide Property Tax Relief to Maine Residents"

H.P. 1257 L.D. 1751

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-785).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-785).**

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

**READ ONCE.**

Committee Amendment "A" (H-785) **READ** and **ADOPTED.**

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

---

**Senate**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Limit Consent Regarding Land Transfers to the Federal Government"

S.P. 733 L.D. 1828

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

Signed:

Senators:

VALENTINO of York

TUTTLE of York

Representatives:

PRIEST of Brunswick

BEAULIEU of Auburn

CROCKETT of Bethel

DeCHANT of Bath

MONAGHAN-DERRIG of Cape Elizabeth

MOONEN of Portland

MORIARTY of Cumberland

PEAVEY HASKELL of Milford

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-496).**

Signed:

Senator:

BURNS of Washington

Representative:

GUERIN of Glenburn

Reports **READ.**

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

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

---

Senate at Ease.

Senate called to order by the President.

---

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

**COMMUNICATIONS**

The Following Communication: S.C. 883

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

April 2, 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 Judiciary has had under consideration the nomination of Eric J. Walker of Belmont, for appointment as a District Court Judge.

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	3	Valentino of York, Burns of Washington, Tuttle of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Crockett of Bethel, DeChant of Bath, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moonen of Portland, Moriarty of Cumberland, Villa of Harrison
NAYS		0	
ABSENT		1	Rep. Peavey Haskell of Milford

Rep. Mitchell of Penobscot Nation 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 Eric J. Walker of Belmont, for appointment as a District Court Judge be confirmed.

Signed,

S/Linda M. Valentino  
Senate Chair

S/Charles R. Priest  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#539)**

YEAS: Senators: None

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

ABSENT: Senators: HILL, LANGLEY

EXCUSED: Senator: YOUNGBLOOD

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, 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 **Eric J. Walker** of Belmont for appointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 882

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

April 2, 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 Judiciary has had under consideration the nomination of Andrew B. Benson of Athens, for appointment as a District Court Judge.

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	3	Valentino of York, Burns of Washington, Tuttle of York
	Representatives	9	Priest of Brunswick, Beaulieu of Auburn, Crockett of Bethel, DeChant of Bath, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moonen of Portland, Moriarty of Cumberland, Villa of Harrison

NAYS 0

ABSENT 1 Rep. Peavey Haskell of Milford

Rep. Mitchell of Penobscot Nation 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 Andrew B. Benson of Athens, for appointment as a District Court Judge be confirmed.

Signed,

S/Linda M. Valentino  
Senate Chair

S/Charles R. Priest  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

Senator **VALENTINO:** Thank you Mr. President. Men and women of the Senate, I'm pleased to rise today to speak on the nomination of Andrew Benson as a District Court Judge. In addition to having an impeccable resume and glowing referrals at the nomination hearing, I also want to mention that Mr. Benson has worked as an attorney in private practice, handling civil, criminal, and family law matters. He worked as an Assistant District Attorney and now he works at what he calls his dream job, prosecuting murder cases as a senior homicide prosecutor in the Attorney General's Office. I'm also very pleased to say that he had the distinction of trying the oldest cold case in Maine history involving a 1980 murder of a young woman. This cold case division has been very important to the Judiciary Committee also and I'm very pleased that he has worked on this throughout his entire career. To best sum it up would probably to take a couple of sentences from a paragraph from one of the persons who

testified before us, and I think that really encapsulates everything that we want as a quality in a judge, and it says, "Mr. Benson is an attorney who treats other people with respect and compassion. Even in hotly contested cases, where the behaviors of others involved is not as dignified as one might hope, he conducts himself with quiet civility. His actions and way of speaking protects the dignity of court proceedings, making sure that all of us can trust what happens there." Thank you very much.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to quickly echo the good words of the Senator Valentino. This is my first term serving on Judiciary and I can tell you I've been extremely impressed with the slate of Judicial nominations that have come forth, including those new appointments to the bench that we see in here today. Mr. Benson is certainly no exception to that. His resume speaks for itself and I just want to thank him publicly for the service that he has already given to us, to the state of Maine, to the Attorney General's Office, and I look forward to his service on the bench. I know he will continue to do that same. 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, I, too, rise in support of this nomination. I've known Andrew Benson since he began as an Assistant District Attorney in Kennebec County many years ago. He was the best and the brightest within the bar at that point. He certainly was when he served within the Attorney General's Office and we are very lucky that he's making the further sacrifice in public service to serve as a judge, which is oftentimes a thankless job, and we're lucky to have him and I'd like to thank him for his willingness to step up and do this. Thank you, Mr. President.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#540)**

YEAS: Senators: None

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

Representatives 8 Priest of Brunswick, Beaulieu of Auburn, Crockett of Bethel, DeChant of Bath, Guerin of Glenburn, Monaghan-Derrig of Cape Elizabeth, Moonen of Portland, Villa of Harrison

NAYS 0

ABSENT: Senator: LANGLEY

ABSTAIN 1 Rep. Moriarty of Cumberland

EXCUSED: Senator: YOUNGBLOOD

ABSENT 1 Rep. Peavey Haskell of Milford

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 **Andrew B. Benson** of Athens for appointment as a District Court Judge was **CONFIRMED**.

Rep. Mitchell of Penobscot Nation was absent.

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

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 Lance E. Walker of Falmouth, for appointment as a District Court Judge be confirmed.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Andrew B. Benson of Athens. Will he please rise and accept the warm greetings of the Maine State Senate.

Signed,

S/Linda M. Valentino  
Senate Chair

S/Charles R. Priest  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 884

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

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.

April 2, 2014

The Doorkeepers secured the Chamber.

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

The Secretary opened the vote.

**ROLL CALL (#541)**

Dear Mr. President:

YEAS: Senators: None

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Lance E. Walker of Falmouth, for appointment as a District Court Judge.

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

ABSENT: Senator: LANGLEY

YEAS Senators 3 Valentino of York, Burns of Washington, Tuttle of York

EXCUSED: Senator: YOUNGBLOOD

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 **Lance E. Walker** of Falmouth for appointment as a District Court Judge was **CONFIRMED**.

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission" H.P. 435 L.D. 616

Majority - **Ought to Pass as Amended by Committee Amendment "C" (H-638)** (8 members)

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

In House, March 31, 2014, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-638)**.

In Senate, April 1, 2014, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **JACKSON** of Aroostook, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.

The Chair appointed as conferees on the part of the Senate the following:

- Senator **CLEVELAND** of Androscoggin
- Senator **BOYLE** of Cumberland
- Senator **KATZ** of Kennebec

(See action later today.)

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act Requiring a Dynamic Fiscal Analysis of Changes to Visual Media Production Tax Credits and Reimbursements" (EMERGENCY)

H.P. 1338 L.D. 1853

Committee on **TAXATION** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Joint Resolutions**

The following Joint Resolution:

H.P. 1340

**JOINT RESOLUTION RECOGNIZING WORLD MENINGITIS DAY**

WHEREAS, meningococcal disease, an acute inflammation of the protective membranes covering the brain and spinal cord, also known as bacterial meningitis, is a rare but sometimes deadly infection that can strike quickly and with devastating complications and, in some cases, cause death; and

WHEREAS, each year, meningococcal disease is diagnosed in 800 to 1,200 Americans and up to 15% of those infected will die and the diagnosis of the disease in Maine mirrors the national average; and

WHEREAS, adolescents and young adults are at increased risk for getting meningococcal disease, accounting for nearly 15% of all cases of meningococcal disease reported in the United States; and

WHEREAS, death rates are higher among adolescents and young adults compared with other age groups; approximately one in 7 will die, and among those who survive, 20% live with permanent disabilities, such as brain damage, hearing loss, loss of kidney function or limb amputations; and

WHEREAS, the majority of meningococcal disease cases among adolescents and young adults may be prevented by vaccination and on March 22, 2013, the United States Centers for Disease Control and Prevention and its Advisory Committee on Immunization Practices issued new immunization guidelines for meningococcal disease; and

WHEREAS, these new guidelines recommend children receive the first dose of meningococcal vaccine at 11 or 12 years of age, with a booster dose at 16 years of age, and also made new recommendations for younger children at a higher risk of infection and for those with compromised immune systems; and

WHEREAS, there are 21 states in the United States that require children and adolescents be vaccinated against meningococcal disease and there are 16 states, including Maine, that require education about meningococcal disease be provided to parents and adolescents; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature of the State of Maine now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April 24, 2014 as World Meningitis Day; and be it further

RESOLVED: That we recognize the importance of immunizing Maine children and adults against preventable diseases and we encourage all Maine residents to follow the recommendations for immunization; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Center for Disease Control and Prevention.

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

**READ.**

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I stand here in support of this Joint Resolution recognizing World Meningitis Day. I always heard the word meningitis and really wasn't too familiar with what it was until the 121<sup>st</sup> Legislature when my predecessor, Senator Bruce Bryant, was in this seat. Bethel was encompassed within his Senate District. It wasn't mine at the time. A wonderful family from the town of Bethel, the Greenwells, lost their son in 2003 to meningitis. It was from that point on that I realized that this is a big deal. I'm extremely proud that Senator Bryant put the meningitis awareness bill in in the 121<sup>st</sup> and I was extremely proud that he included me to be a co-sponsor of that bill. There are a lot of times when tragedy strikes your life that you just dwell within the tragedy but I'm extremely proud and thankful that Ms. Jeri Greenwell actually went beyond that and she's become a member of the Maine's Immunization Coalition and the National Meningitis Association. She has been a staunch supporter of the recognition and getting immunized. It has done an awful lot of good because there are many times when you don't hear that there's outbreaks because of the immunization, but there are times throughout New England that you do hear and the need for

the awareness is extremely prevalent and we should continue that. I just want to stand up and say thank you to Ms. Greenwell for all she's done and do give my condolences in memory of the loss of her son. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I also just want to rise. I've actually had a chance to meet Ms. Greenwell and the story of her family is really hard for myself to hear. I can't tell you how much I feel for their loss. Honestly. I thank you for what you're trying to do to help other people so that nothing happens like that. I really appreciate your efforts and, again, I'm so sorry for your loss.

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

Senator **CLEVELAND:** Thank you Mr. President. Women and men of the Senate, I am very appreciable of this Joint Resolution. It's very important, although it doesn't have large numbers and, of course, I add my condolences to the family as well. I know a little more about it because I had meningitis when I was 18 months old. I was told by my family that when my parents went into the hospital the doctors told them that they should next go to the funeral home and make arrangements because I wouldn't be leaving the hospital at that time. It's very serious. Back in my day there were less opportunities for treatment at that time, but it's a very dangerous disease and can have very serious consequences. I'm extraordinarily grateful that I survived that disease, but I hear the stories from my family. I was the first born child and the fear that their first born was maybe not going to live past 18 months old. I'm very appreciate of this Resolution and I hope that people will take note and take the important precautionary steps to get the immunizations and treatments that they need for this very dangerous disease. Thank you.

**ADOPTED**, in concurrence.

**THE PRESIDENT:** The Chair is very pleased to recognize in the rear of the chamber Jeri Greenwell. She's here as the guest today of the Senator from Oxford, Senator Patrick. Will she please rise and accept the warm greetings of the Maine State Senate.

---

The following Joint Resolution:

H.P. 1341

**JOINT RESOLUTION RECOGNIZING THE 90TH  
ANNIVERSARY OF THE DAMARISCOTTA-NEWCASTLE  
ROTARY CLUB**

WHEREAS, Rotary International is a worldwide organization of business and professional leaders who provide humanitarian services, encourage high ethical standards in all vocations and help build goodwill and promote peace and understanding throughout the world; and

WHEREAS, members of Rotary clubs, whose primary motto is "Service Above Self," are part of a diverse group that is working to address various local community and international service needs and to encourage and foster the ideal of service as a basis of worthy enterprise; and

WHEREAS, the Damariscotta-Newcastle Rotary Club was founded in 1924 at the Fiske House in Damariscotta and sponsored by the Rotary Club of Augusta with 23 charter members and, 15 years after its founding, the Rotary Club of Damariscotta-Newcastle sponsored the founding of the Boothbay Harbor Rotary Club; and

WHEREAS, fund-raising in the beginning years involved activities such as collecting summer tolls on the old wooden bridge connecting the Twin Villages and holding an annual auction of donated items; and

WHEREAS, after its first 50 years of existence, the Damariscotta-Newcastle Rotary Club was best remembered for its annual Oyster Festival, which ran for more than 15 years and provided support for Little League baseball, Dirigo Boys State, Lincoln Academy's international student exchange, a raft for Red Cross swimming classes, the Lincoln Home for the Aged Founders' Day, painting the library building and sponsoring a poverty dinner; and

WHEREAS, the club is involved with the local Lions Club in a major fund-raiser each summer that consists of a golf tournament and auction, and the club continues to be an active part of the community with current membership at 57, with one member, Gary Speers, who served as district governor in 2011-12; and

WHEREAS, the Damariscotta-Newcastle Rotary Club has continued to raise money to support many community projects through the years, such as the Ecumenical Food Pantry, providing a well for a hospital in Cap-Haitien, Haiti, sponsoring Friends Forever teenagers from Northern Ireland in a grassroots peace effort and supporting the Guatemala Literacy Project; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, extend our congratulations to the Damariscotta-Newcastle Rotary Club on its 90th Anniversary and we send our appreciation for its many years of serving the community and the world and honoring its motto of "Service Above Self"; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Damariscotta-Newcastle Rotary Club.

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

**READ.**

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen, I just wanted to take a moment to recognize an

organization that has been here many, many years and, over the course of those many years, has supported all kinds of community projects for the good of the community and for other places in the world less fortunate. They truly exemplify service above self not only in advancing the causes that their organization tries to help so many people with but also in supporting other organizations in the area and creating new clubs in the region to advance that same cause and helping other people along. It's a momentous milestone, the 90<sup>th</sup> Anniversary, and I would simply ask that the Resolution please be read.

At the request of Senator **JOHNSON** of Lincoln, Joint Resolution **READ.**

**ADOPTED**, in concurrence.

---

With reference to the action of the Senate whereby it **INSISTED** and **JOINED** in a **COMMITTEE OF CONFERENCE** on the disagreeing action of the two branches of the legislature on:

Bill "An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission"

H.P. 435 L.D. 616

The Chair appointed as conferees on the part of the Senate the following:

Senator **VITELLI** of Sagadahoc to replace Senator **KATZ** of Kennebec

---

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

---

Senator **KATZ** of Kennebec 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.

---

Off Record Remarks

---

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** to Monday, April 7, 2014, at 10:00 in the morning.