

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Senate Legislative Record  
One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

First Regular Session  
December 1, 2010 to June 29, 2011

Pages 1 - 1494

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

Off Record Remarks

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

Senator **TRAHAN** of Lincoln was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Off Record Remarks

**RECESSED** until the sound of the bell.

After Recess

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**

**Non-Concurrent Matter**

Bill "An Act To Establish Multidistrict Online Classes in Maine"  
S.P. 206 L.D. 675  
(S "B" S-366 to C "A" S-304)

In House, June 15, 2011, **PASSED TO BE ENACTED.**

In Senate, June 29, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-304) AS AMENDED BY SENATE AMENDMENT "B" (S-366) thereto, in NON-CONCURRENCE.**

Comes from the House, Bill **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE.**

On motion by Senator **LANGLEY** of Hancock, the Senate **RECEDED** and **CONCURRED.**

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports (EMERGENCY)

H.P. 84 L.D. 98  
(S "A" S-340 to C "A" H-519)

In House, June 29, 2011, **FAILED FINAL PASSAGE.**

In Senate, June 29, 2011, **FINALLY PASSED.**

Comes from the House, Resolve and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE.**

On motion by Senator **LANGLEY** of Hancock, the Senate **RECEDED** and **CONCURRED.**

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

Off Record Remarks

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

Senator **DIAMOND**: Thank you Mr. President. Ladies and gentlemen of the Senate, if you'd permit me to be a little serious just for a very brief moment. I just wanted to bring you all up to date on the issue that we've been following for a long time, and

that is the \$48 million contract the State of Maine has with Harris Company for the new radio system for the State of Maine. We've been working on this, as I said, a little over two years. This contract calls for 302 new frequencies to be approved by the FCC by this December. Right now there have only been 40. My contention, and others, since this had started with this contract, was that they would not get all of those FCC approvals. If that is the case then that \$48 million would be in jeopardy. We are making payments. I just wanted to put that on the record, Mr. President. If we come back again, which I suspect we will at some time between now and December, I'll give another report because what I don't want, and none of want, is to have another MECMS, which is the HHS computer system that cost us \$60 million which we lost, or other computer systems. The Appropriations Committee would be able to look at this during the Summer and ask those questions. Again, only 40 of the 302 frequencies have been approved by the FCC and we need to keep an eye on that. Thank you, Mr. President.

---

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

---

Senator **HOBBS** of York was granted unanimous consent to address the Senate on the Record.

Senator **HOBBS**: Thank you Mr. President. Men and women of the Senate, let me just say that this has been a very memorable session. We started out with whoopie pies and ended up with Speedos and guns. As many of you know, I've been involved in politics for a while now and can appreciate the highs and lows that come with the political game. This session showcased a new brand, a new ballgame, in Maine politics. With the Republican controlled Executive Branch and Legislature, the results of November's election really shook up the political scorecard between Democrats and Republicans in Maine. For me, as a Democrat, the November election was fisticuffs, but I always respect the decision of Maine voters. I was fortunate to have survived, to have earned the trust and confidence of the electorate in my district, and appreciate their support over the past four terms.

This session has been unique for me, and not just because it will be my last. It is unique for me, personally, because I was honored and privileged to be picked to be the Democratic leader by my colleagues. This is an honor and is one that I take very seriously. Early this year I was interviewed by an out-of-state newspaper by a reporter who, basically, informed me, which I didn't really ever think about, that the position I held as the Senate Democratic Leader, because of the change of the political landscape, put me in a position of, which I was kind of surprised to even think about, as being the highest ranking Democrat official here in the State of Maine who was elected. As a New England sports fan, I am likened this leadership role, or tried to anyways, with my Assistant Leader, to be somewhat of a manager and head coach. Similar to the sports world, when your team loses, you need a leader who will keep the team focused

and ready to come back, fight, and win the next game. Like all good teams, it is important to reflect on the strengths and the weaknesses of the team. For the Democrats of the Senate, I am honored to stand beside my Democratic colleagues in this Chamber.

As I look around, we literally hold representation from the most Northern district of our state to the most Southern district, and in between. This Senate Democratic team consists of small business owners, a furniture manufacturer, teachers, retirees, a maintenance worker, attorneys, a real estate developer, social service administrators, and a logger. We are truly representative of the people of Maine. Although we come from different backgrounds and parts of the state, all of us share a common vision; to make Maine the best place to live, work, and to visit. This is a vision I know that we share with our counterparts across the aisle.

This session may not have lasted longer than a baseball season of 162 games, but I think we can all agree that, at various times throughout the session, it sure felt that way; that we had battled through a full season. The voters placed with us a tremendous amount of trust this session. The people of Maine have been making tough decisions at home, just as we have here in the Legislature. We are facing tough times, not only in Maine, but across the country. Fortunately the people of Maine are known for their resolve and I am confident that our state can work its way through to a stronger economy. As public servants, it is our job to find solutions to the challenges facing our state. To accomplish this, both parties have to operate with a spirit of cooperation and good faith to solve the State's financial problems, to make government more efficient, and to create an environment more conducive to job creation. I believe we did that. It was only by extending that trust to one another that we were able to meet the extraordinary challenges of our time. Just like helping our neighbors in a time of need, we had to work hard and work together. By doing so, we were able to reach bi-partisan support for a \$6.1 billion State budget. We fully supported two supplemental budgets and a transportation budget. We removed barriers to Maine businesses through the regulatory reforms of L.D. 1.

Mr. President, I would like to thank you for your leadership and openness to working with us to achieve these accomplishments. It has been a pleasure to work with you this session, Mr. President. I'm proud to call you my friend. It has also been a pleasure to work with the rest of your leadership team. The good Senator from York, Senator Courtney, and the good Senator from Penobscot, Senator Plowman, have done a commendable and extremely good job of leading the Majority Party. I appreciate your respect and willingness to work with us, even during some heated moments. Make no mistake, this legislative session had some of the more difficult challenges we have ever seen in a long time here in this state. It required parties working together and putting politics to the side; Democrats, Republicans, and even our good friend and lone Independent from Cumberland County, Senator Woodbury. I want to thank Senator Woodbury for his openness to work with us throughout this session.

Lastly, I want to give special thanks to my seatmate, who is in his proper place right now at a birthing class with his wife, Rachel. It has been a real honor to work with him this session. We have become friends and he has done a great job fighting for what is important to Democrats. In this session, we have proudly stood up for what we believe in. We have fought to support

Maine businesses and create jobs, protect workers' rights, ensure constitutional and social rights, and to preserve the environment and our quality of life. We have fought for the investment in our educational opportunities, insure access to affordable health care, and protect our state's most vulnerable citizens.

Before I close, I also want to give my sincerest appreciation to the amazing staff in the Democratic office. Thank you to Ted Potter, Joy O'Brien, Marsha Homstead who has said to me that it takes a village to keep me organized and I thank her, Ericka Wainberg, Dan Shagoury, Mike Dunn, Darek Grant, and Alex Pringle. They are all the all stars of our team. Again, it has been a memorable session. Even though we are in our final day of the session, we stand ready to continue the good work for the people of this great state. It has been a privilege to work with all of you here in the Senate and I thank you, Mr. President.

---

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

Senator **COURTNEY**: Thank you Mr. President. Men and women of the Senate, it's always a challenge to go after my good friend from York, Senator Hobbins, but there are a few things I'd like to put on the record tonight. It really has been an honor to serve as your Majority Leader this session. The real honor is the fact that you look around, and I look around, our caucus and we knew from day one that the only strength that we had was the strength that was given to us, as leaders, by the caucus. As I look around and I see our 20 in their seats, in the last minutes of session, it brings great pride and honor. Thank you.

Mr. President, I'd like to commend you for the way that you have handled this caucus. You have set a new level for the way the presidency of the Maine Senate should be handled. You have developed consensus. You have been respectful to all of us. You've been respectful to people that disagree with you, and once in a while that would even be me. You've done it in an honorable way that will last long after we're all gone.

On a lighter note, we know that sometimes in this building we have a little fireworks. Mr. President, with your permission, I'd like to break one of the rules of the Senate, and present this to my good friend, Senator Hobbins, so he can have a little bit of fireworks. We understand our Chief of Staff has already left, so we don't have to worry about her lighting it.

Mr. President, ladies and gentlemen of the Senate, we made a promise a couple of years ago as Republicans. We made a promise that if we were in control we would have a government that is caring, responsible, efficient, affordable, transparent, and effective. While I'd like to stand here and take all the credit because we're Republicans and we won and here we are, I cannot because the accomplishments that we've had this session could not have been done without the Minority Party. It truly has been an honor and a privilege to serve with all of you. Regulatory reform, they said we couldn't do it, but Seth Goodall and Tom Saviello put their heads together and said, "I'll bet we can," and they did it. Thank you, because the people of Maine are much better for that because we didn't just pass regulatory reform, we passed a bill that changes the culture of state government; a bill that sent a message to the people of Maine that we're committed to making Maine a good place to create jobs. That isn't a party issue. That's a belief that all of us had and we often had different ways to get there. We passed health insurance reform. That was

as contentious as any bill and we fought passionately on it. I will say that special credit goes to the President because he didn't just want to see Republican health insurance reform, he wanted to see a bi-partisan effort. He worked hour after hour after hour, and even many of the people who voted against health insurance reform were part of the actual process and part of the final bill. That's consensus. That's working together so you come up with a better idea than either side thought possible. Mr. President, thank you. Maine is a better place because of your patience. Someday maybe your patience will even rub off on me. We've only got another year together so it probably won't.

We talked about some transparency. Under the leadership of Senator Katz and Senator Hill and many of the others on the OPEGA committee, we took on the Maine Turnpike Authority. We said if we want to take the Maine Turnpike Authority into the next level we have to clean up the abuses that are going on there. We have a transparent process going forward.

The budget, they said we couldn't do it. We got the Governor's budget, we got the Governor's change package, and they said there was no way we're going to do that and we had to run a Majority budget. The President and leadership said they were not going to run a Majority budget, that doesn't honor the institution. We put our faith in Senator Rosen, Senator Katz, and Senator Hill and the leadership on the other side. We said, "We're going to stay in the room and we're going to work it out." If there ever was an example of how working together can make something so much better, that is it. It buys the ownership, not the ownership of us, because this isn't about us, it's ownership of the people of Maine. We increased funding to education. We have pension reform. We have tax policy that will encourage economic growth. We have welfare reform. We've paid our hospital debt. If you look at the accomplishments of this session, they are absolutely amazing. They said we couldn't do it. You know what? Republicans couldn't have done it. Democrats couldn't have done it. Together we were able to do it. I think when history looks back at our little snapshot here, I think they are going to look fondly on us. We made the tough decisions. We stood up to the special interests. Maine will be better for it.

I'd also like to really thank the people that support us. The chamber staff, you guys are fabulous, especially when you borrow Senator Plowman's notepad. I don't know which one of you has been writing those notes. I'd also like to thank our staff in the Majority Office and in the President's Office and Chief of Staff, Sara Vanderwood. You guys are absolutely amazing. It's kind of amazing to come to work and you think it and they go and do it. You don't even have to say it half of the time. The sacrifices that they have all made for us. It's been truly amazing.

Maine has avoided many of the other difficulties that other states have faced with these budget processes and through the challenges of the national economy. You look at what's going on in other states like Wisconsin and Illinois. We're just not like that. I think it really is a credit to all the members here because it's not about an individual member, it's about the people that sent us here. We've laughed together. We've cried together. We've fought and we've fought some more. Overall, this family, the Maine Senate, is committed to doing what is right for the people of Maine. Mr. President, it's my pleasure to have been a big part of it.

I'd also like to thank the Assistant Republican Leader. It's been an honor and a privilege to serve with Debbie Plowman. She keeps me in line. She might even interrupt me. Typically that is what happens. I know she tried to compete with Senator

Trahan for the "Being in the Seat the Least" award, but she was usually bringing one of our guys in. She has a knack for really having an idea about what's going on and what's going on behind the scenes, which, as most of you know around here, is how things really happen. Her instincts and friendship I can never repay.

I guess I'd be remiss if I didn't mention the Chief Executive. The Chief Executive challenges us. That's a good thing. Sometimes you have to be able to say no. Sometimes you have to be able to shake things up. You also have to know when to take a win. I believe that the outline of the Chief Executive gave us in the beginning of session and with the budget, by being willing to take on the difficult issues, enabled us to be where we are today. I'm sure he will continue to stir things up and we will continue to be deliberative and work with him because I don't think anyone can say Maine isn't a better place today than it was when we got here in December. With that, Mr. President, I want to thank you and thank all of you.

---

Senator **PLOWMAN** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **PLOWMAN**: Thank you Mr. President. Men and women of the Senate, since I was told today that I was still one of the longest speakers in the Senate, I thought I worked so hard to avoid that title and now, since there is no use trying to avoid it, I would speak again tonight. I want to thank my caucus for giving me the opportunity to sit in this seat. I know for some of you it was a stretch. I love this institution and the fact that you gave me the chance has made me be a better person this year and encouraged me to work more closely with colleagues on the other side of the aisle. I enjoy working with Jon and Kevin and I enjoy very much working with Senator Hobbins. People that I used to fight with I find that I can find common ground with. I see Senator Sullivan has left, unfortunately. Dishonoring this institution is nothing that I would ever think of doing. Sitting in this seat has been an incredible experience for me. I strive hard to work towards being in the role that you've given to me, but I have great role models, including my seatmate, Senator Courtney, who has grown incredibly since I first met him 10 years ago; Senator Raye, who was my boss 25 years ago; and Senator Hobbins, who I've known for a very long time. As much as we disagree, we never ever make it personal. You have all done incredible work this year. Growing into the roles as Chairs, growing into the roles with brand new Senators. People who were Chairs and had to adjust incredibly to the new roles. There were times when it was rough, and we kind of maybe grated on each other. I'll tell you what, it's just like a family. I had a gentleman send me an e-mail about how poorly he thought we got along. I really took that hard. I said, "We fight like crazy, but when we walk out the door we're talking with each other. We want to know how each other is doing." Tonight we'll wish each other well. I put this in my e-mail. When we adjourn we'll be asking each other, "When you drive through my town, don't you not stop. Make sure you call." We'll be following up on Seth's baby. We'll be asking about how other things are going on. No one here wishes ill on each other. I don't like that people think that we do. We disagree, but this is the most wonderful process in the world. There are people who die trying to have what we have; a peaceful way of actually deciding how we will move forward. We accept the votes, maybe not

happily, but it's how it works. No one dies. No one bleeds. Believe it or not, there are no fist fights. People expect that we are out here tearing each other up all the time, but we're not. Do we get along? Yes, we do. Do we get along well? Not all the time. I'm very proud of this institution. I'm very proud of the people I serve with. I don't ever want to disappoint any member of this Body in the way I behave or the way any of my Senators behave. They can tell you that I coach them pretty hard. Right, Senator Katz? Having been here since 1992, I've developed a great love for this and I see that other people that have been this long do to. I want to pass that on to the people coming forward because that is their job to pass it on when they leave. I have enjoyed working with all of you. We have done incredible things this year. Hopefully they will all pan out as we expect, but it is with great hope and great expectations that we leave here and look forward to seeing what the fruits of our labors will bring. Thank you. I appreciate you letting me speak.

---

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

**ENACTORS**

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

**Emergency Measure**

An Act To Protect Public Safety in the Operation of Casinos  
 H.P. 473 L.D. 643  
 (S "A" S-368 to C "A" H-547)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

**Acts**

An Act To Provide an Income Tax Credit for Persons Engaged in Commercial Forestry  
 S.P. 100 L.D. 338  
 (S "A" S-367)

An Act To Support Resource Sharing among Maine Libraries  
 H.P. 767 L.D. 1033  
 (S "A" S-369)

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

---

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