

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

Second Regular Session
beginning January 8, 2014

beginning at Page 1544

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

In Senate Chamber
Tuesday
January 14, 2014

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

Prayer by Senator Ronald F. Collins of York County.

SENATOR COLLINS: Let us pray. Dear Lord, bless the work we do here in the Maine Legislature and the legislators who strive to do the right things for Maine people. Amen.

Pledge of Allegiance led by Senator Margaret M. Craven of Androscoggin County.

Reading of the Journal of Thursday, January 9, 2014.

Doctor of the day, William Strassberg, MD of Northport.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Improve Education about and Awareness of Maine's Health Laws and Resources"

H.P. 1229 L.D. 1719

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **CRAVEN** of Androscoggin, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Bill "An Act To Improve the Operations of the Office of the Attorney General" (EMERGENCY)

H.P. 1230 L.D. 1720

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

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

Bill "An Act To Improve the Job Creation Through Educational Opportunity Program"

H.P. 1228 L.D. 1718

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

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

Joint Orders

Expressions of Legislative Sentiment recognizing:

Cathy Newell, of Greenwood, on the occasion of her retirement after 35 years in the adult education field. Ms. Newell has been the Executive Director of the Maine Adult Education Association since 2001. A University of Maine and Vassar graduate with a background in social studies and art history, Ms. Newell first taught high school students in Rockland and at Gould Academy. She has been on and chaired many boards and committees over the years and has been involved in many activities devoted to civic and community fund-raising and outreach efforts. Prior to becoming the Executive Director of the Maine Adult Education Association, Ms. Newell spent 23 years as Director of the Maine School Administrative District 44 Adult Education Program in Bethel. We extend our appreciation to Ms. Newell for her commitment to the citizens of the State and wish her well in her future endeavors;

HLS 693

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

READ.

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

Senator **PATRICK:** Thank you Mr. President. I stand today to speak on this legislative sentiment on Cathy Newell of Greenwood on the occasion of her retirement after 35 years in the adult education field. Cathy is a constituent of mine. She's a dear friend. She's actually had a profound way in my life. She's touched me in so many different ways. I've dealt with her on the adult education field and she asked me at least one time to speak about my adult education series. I had the opportunity to be a laborer in a paper mill and got laid off back in the early 1970's and watched this guy weld a chain on a link in the wood room. I said, "Wow, that would be great to have that job." Someone suggested to me, when I got laid off, why I don't go to adult ed and take up welding. Since then I would have probably earned \$800,000 in my lifetime as a laborer in the paper mill, but through the adult education and the education that I got, I was able to make over \$2 million in my lifetime. Adult education has been near and dear to Cathy's heart and it's been near and dear to my heart because I've done a lot more through that. Cathy, in her spare time, besides being a former teacher and being an Executive Director of Adult Education, happens to be the Democratic Chair in Oxford

County. The one thing that I'll say is anything Cathy has done in her life she has done 100%, 110%, 120% and the expectation of following her footsteps and her example has followed through in my life and I owe an awful lot to Catherine Newell and the adult education. I just wanted to take a moment to thank Cathy and wish her well. She lives in Greenwood. She has a pond across the street. She has wonderful sunsets and beautiful days. I wish her much health, happiness, and prosperity in her retirement. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I, too, would like to add my congratulations and thanks to Cathy for the work that she's done over her career. I'm a past adult ed teacher and taught for about 15 years. I fully understand what it means to be the Director of an adult ed program, often with thousands of offers for members of our community. Over the past four years I've really gotten to appreciate how quietly and efficiently Cathy goes about her job, went about her job. She was always looking for ways to improve the lives of our citizens, most recently with the GED exams that she enhanced, looking from one company to another to be able to expand that. I feel that adult education in Maine is really value added to the lives and the livelihoods of our citizens. I wish her well in her future and commend her for the work that she's done.

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

Senator **MILLETT:** Thank you Mr. President. I, too, would like to speak to the retirement of Ms. Cathy Newell. In my first year of serving on the Education and Cultural Affairs Committee I was immediately struck by Ms. Newell's upbeat, and positive outlook on the world. It was infectious and her enthusiasm filled the room. I was deeply impressed by her knowledge and immediate recall of information and facts that were essential to the work of our committee and her high level of expertise and professionalism. I'm sure that the Department of Education is going to have to work very hard to find someone who can even come close to filling her shoes. Thank you.

PASSED, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 629

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE PRESIDENT**

January 10, 2014

Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant:

Pursuant to my authority under Joint Rule 354, I have appointed Senator Troy Jackson of Aroostook as Chair of the Joint Select Committee on Joint Rules. He will be replacing former Senator Seth Goodall.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Justin L. Alford
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 626

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

December 26, 2013

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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1513 Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Statewide Coordinated Services District System

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

Sincerely,

S/Sen. Stanley J. Gerzofsky
Senate Chair

S/Rep. Mark N. Dion
House Chair

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

The Following Communication: S.C. 627

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

December 26, 2013

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 Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1397 An Act To Create Equity and Fairness in the Elver Industry

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

Sincerely,

S/Sen. Christopher K. Johnson
Senate Chair

S/Rep. Walter A. Kumiega
House Chair

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

The Following Communication: S.C. 628

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

10 January 2014

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

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 hereby veto LD 1353, "An Act To Further Reduce Student Hunger."

This bill presents an irresponsible unfunded mandate. It tells school administrative units who have 50 percent of their students qualify for free or reduced lunch to operate a summer lunch program or collaborate with another institution to provide a lunch program. It directs schools to impose a program without providing the funding. This is the very problem that we see arise time and time again between the State and local government and I do not support it.

I have a deep concern about our poor students and communities, but current law allows those communities to opt-in to a school lunch program. This bill goes further, requiring schools to provide such programs without paying for it. Additionally, although the bill contains an opt-out program, the school administration may only opt-out after such requirement has been imposed. To that end, the opt-out provision is merely a gimmick allowing the state to impose the requirement without also providing the requisite funding.

For these reasons, I return LD 1353 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 Further Reduce Student Hunger
S.P. 472 L.D. 1353

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

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

SENATE PAPERS

Bill "An Act To Prohibit Possession of a Replica or Simulated Firearm on or near School Property"
S.P. 686 L.D. 1728

Presented by Senator HILL of York.
Cosponsored by Representative MacDONALD of Boothbay and Senators: GERZOFOSKY of Cumberland, MILLETT of Cumberland, Representative: DION of Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

Senator **MILLETT** of Cumberland moved to **REFER** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **HASKELL** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **MILLETT** of Cumberland to **REFER** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Bill "An Act To Conform Licensing Requirements for Real Estate Appraisers with Federal Law"

S.P. 685 L.D. 1724

Presented by Senator CUSHING of Penobscot. Cosponsored by Representative POULIOT of Augusta and Senators: KATZ of Kennebec, PLUMMER of Cumberland, WHITTEMORE of Somerset, Representatives: FREDETTE of Newport, VOLK of Scarborough, WILLETTE of Mapleton. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Provide for the 2014 and 2015 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

S.P. 684 L.D. 1725

Presented by Senator CUSHING of Penobscot. Cosponsored by Representative WILLETTE of Mapleton and Senators: FLOOD of Kennebec, KATZ of Kennebec, PLUMMER of Cumberland, WHITTEMORE of Somerset, Representatives: CLARK of Easton, FREDETTE of Newport. Submitted by the Finance Authority of Maine pursuant to Joint Rule 204.

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

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (1/8/14) matter:

JOINT ORDER - To Amend the Joint Rules Governing Concept Drafts

S.P. 681

Tabled - January 8, 2014, by Senator **KATZ** of Kennebec

Pending - motion by same Senator to **PASS**

(In Senate, January 8, 2014, **READ**.)

Senator **KATZ** of Kennebec requested and received leave of the Senate to withdraw the Joint Order.

The President appointed the Senator from Aroostook, Senator **JACKSON**, to serve as President Pro Tem for the session on Thursday, January 16, 2014.

Off Record Remarks

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

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

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

Senator **JACKSON** of Aroostook was granted unanimous consent to address the Senate off the Record.

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

LEGISLATIVE RECORD - SENATE, TUESDAY, JANUARY 14, 2014

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** to Thursday, January 16, 2014, at 10:00 in the morning.