

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 28, 2014

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

Prayer by Rabbi Darah R. Lerner, Congregation Beth El in
Bangor.

RABBI LERNER: Divine source of life in the universe, You created each of us with the ability to open our hearts and our minds to serve You with grace, fortitude, and love. Teach us to use our hearts and minds for good. Teach us to honor with dignity our differences. Teach us to administer all affairs of state fairly. Teach us to respond to injustice with equity. Teach us to challenge hypocrisy with honesty. Teach us to treat the stranger in our midst with respect. Source of life, bless us with wisdom and understanding, with the ability to enact laws which will benefit all our citizens, which will help feed the hungry, increase access to healthcare and quality education, which will provide for the safety for all within our borders and provide access to a fair and just legal system. Source of life, teach us and bless us with a passion for justice, a longing for righteousness, and the compassion and wisdom to make these real in our day and let us say Amen.

Pledge of Allegiance led by Senator David E. Dutremble of York
County.

Reading of the Journal of Thursday, January 23, 2014.

Doctor of the day, Amanda Brownell, MD of Scarborough.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **JACKSON** of Aroostook, the following Senate Order:
S.O. 24

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 11:00 this morning, in the Hall of the House for the purpose of extending to the Honorable George J. Mitchell, an

invitation to attend and make such communication as pleases
him.

READ and PASSED.

The Chair appointed the Senator from Aroostook, Senator **JACKSON** to deliver the message to the House of Representatives. The Senator was escorted to the House of Representatives.

Subsequently, the Senator from Aroostook, Senator **JACKSON** reported that he had delivered the message with which he was charged.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Facilitate Informed Planning for Higher Education and Careers"

H.P. 1253 L.D. 1746

Comes from the House, **REFERRED** to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** and ordered printed.

On motion by Senator **VALENTINO** of York, **REFERRED** to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: H.P. 1252

**TOWN OF SCARBOROUGH, MAINE
US ROUTE ONE, PO Box 360
SCARBOROUGH, MAINE 04070-0360**

**Resolution 14-01
Urging the Maine State Legislature
to Preserve and Restore Municipal Revenue Sharing**

BE IT RESOLVED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that,

WHEREAS, for over forty years, the State of Maine has reserved approximately 5% of sales tax receipts from retail sales in Maine's towns and cities to stabilize the property tax burden and support the local governmental services provided on behalf of the State by municipalities, which under the law are subdivisions of state government (the "Municipal Revenue Sharing Program"); and,

WHEREAS, for FY 2014, Governor LePage proposed a State budget that would have eliminated the Municipal Revenue Sharing program and misappropriated all of the sales tax receipts in the Municipal Revenue Sharing Program's Local Government Fund for the State government's use; and,

WHEREAS, the compromise State budget adopted by the Maine State Legislature preserved the Municipal Revenue Sharing Program, but nonetheless re-allocated to the State Treasury tens of millions of dollars previously designated for municipalities under 30-A M.R.S. §568; and,

WHEREAS, the State's last-minute cuts to the Municipal Revenue Sharing Program for the FY 2014 and FY 2015 biennial budget threw municipal budgets for FY 2014 into disarray, necessitating draconian budget cuts, layoffs, and tax increases in towns and cities across the State; and,

WHEREAS, the FY 2015 component of the State's biennial budget both further reduced Municipal Revenue Sharing for municipalities for FY 2015, from its original, statutory level of \$146 million to \$60 million, and threatened to effectively eliminate the program with additional reductions of \$40 million in the event the State is unable to adopt budget amendments that reduce State tax expenditures and/or implement other savings by that amount; and,

WHEREAS, the impact to Scarborough of repeated reductions in Municipal Revenue Sharing has been significant, with the projection for FY 2015 representing only 17.7% what it was in FY 2009, a total dollar loss of \$1,118,230, the majority of which directly resulting in increases to the regressive local property tax; and,

WHEREAS, the Legislature's Tax Expenditure Review Task Force has worked diligently between legislative sessions to address the anticipated \$40 million shortfall in the State budget for FY 2015, identifying State tax expenditure reductions and other savings in Legislative Resolve 2721; and,

WHEREAS, LR 2721 is now pending before the Legislature's Appropriations Committee for its consideration; and,

WHEREAS, the Legislature's adoption of state tax expenditure reductions or other budget savings, and the preservation of the Municipal Revenue Sharing Program that such savings would accomplish are vital to Maine's towns and cities as they prepare for yet another difficult budget process.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council in Town Council assembled as follows:

THAT, it is of critical importance that the Legislature preserve the Municipal Revenue Sharing Program so as to avoid further reductions in municipal services and further increases in property taxes; and,

THAT, the Town Council strongly endorses the efforts of the Legislature's Tax Expenditure Review Task Force to identify tax expenditure reductions or other State budget savings to close the \$40 million gap in the State's FY 2015 budget; and,

THAT, the Town Council calls upon the Appropriations Committee and the Legislature to adopt legislation to fully fund the \$40 million FY 2015 State budget gap and thereby forestall further cuts in the Municipal Revenue Sharing Program; and,

THAT, the Town Council urges the local Legislative delegation to support the preservation and, indeed, the restoration to full funding of, the Municipal Revenue Sharing Program.

Signed and dated this 15th day of January 2014, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

S/Richard J. Sullivan, Jr.
Council Chair

Attested by:
S/Yolande P. Justice
Town Clerk

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

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

The Following Communication: S.C. 654

SENATOR GEORGE J. MITCHELL

January 14, 2014

Justin L. Alford, President of the Senate
Mark Westwood Eves, Speaker of the House
State of Maine Legislature
Augusta, Maine 04333

Dear Mr. Speaker and Mr. President:

I am pleased to accept your kind invitation to address a Joint Convention of the Maine Legislature on Tuesday, January 28, 2014 at 11:00 a.m.

I'm grateful for your offer and look forward to seeing you then.

With warm regards,

S/George J. Mitchell

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 655

STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR

January 23, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Jason R. White of Rockland for reappointment to the School Board of the Governor Baxter School for the Deaf.

Pursuant to Title 20-A, MRSA §7406, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 656

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

January 23, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Diane M. St. Lawrence of New Portland for reappointment to the School Board of the Governor Baxter School for the Deaf.

Pursuant to Title 20-A, MRSA §7406, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 657

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

January 23, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Joan P. Toy of Bath for reappointment to the School Board of the Governor Baxter School for the Deaf.

Pursuant to Title 20-A, MRSA §7406, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 658

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

January 23, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Frederick M. Woodman, Jr. of Lincoln for reappointment to the Board of Trustees, Maine School of Science and Mathematics.

Pursuant to Title 20-A, MRSA §8204, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 659

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

January 23, 2014

The Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Robert D. Somerville of Spring, Texas for reappointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P&SL 1975, Chapter 771 §428, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 660

MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY

January 20, 2014

Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Subject: Government Accountability Report (5 MRSA §12023)

Dear Mr. President and Mr. Speaker:

In compliance with the requirements of the Government Accountability and Oversight Law for quasi-independent State entities (5 MRSA §12023), I am submitting this report on behalf of the Board of Trustees of the Midcoast Regional Redevelopment Authority (MRRA).

MRRA was created in 2006 by the Maine Legislature (5 MRSA §13083-G) as a municipal corporation charged with the responsibility to implement the reuse master plans for Naval Air Station Brunswick (NAS Brunswick) and the Topsham Annex,

which closed as a result of the 2005 Base Realignment and Closure (BRAC) process. The Authority is entrusted with the acquisition and management of properties within the geographic boundaries of NAS Brunswick. The enabling statute creating MRRA established very detailed description of its powers and duties. The MRRA Board held its first meeting on September 27, 2007 when the newly appointed Board of Trustees called to order its first meeting and hired Steven H. Levesque as its new Executive Director. Operations began on January 1, 2008.

In compliance with the Government Accountability Act please find below our responses to the statutorily required questions:

A. A list of all procurements exceeding \$10,000 in the preceding year for which competitive procurement was waived under the policies adopted pursuant to section 12022, subsection 3, including procurements exceeding \$10,000 that were made under contracts previously entered into for which competitive procurement was not required. The list must include the names of the vendors and costs associated with those procurements;

The Midcoast Regional Redevelopment Authority did not procure any goods or services that exceeded \$10,000 without first having solicited competitive bids during calendar year 2013 with the exception of a Memorandum of Agreement (MOA) with the Brunswick Sewer District to conduct spot repairs to the sanitary sewer collection system at Brunswick Landing. During calendar year 2013, MRRA engaged the District with three projects totaling \$48,476 for sewer repairs. This MOA allows MRRA to have repairs made at below market rates and also allows the District to learn more about our sanitary sewer system, which one day they will take over.

B. A list of all persons to which the entity made contributions greater than \$1,000 in the preceding year and the total amount contributed to each; and

MRRA made a donation of \$5,000 to the Maine Aviation Business Association on December 2, 2013 as one of the founding members. The purpose of the Association is to promote Maine airports as vital economic engines for the State and their host communities; foster the growth of aviation related businesses throughout the state of Maine; showcase Maine's aviation assets to the global community; utilize the state's airport system to create and enhance business opportunities on and off airports; and to educate the general public about the important role of aviation to Maine's economy.

MRRA donated .94 acres of land contiguous to Saint John's Cemetery to the Roman Catholic Bishop of Portland on October 10, 2013 to allow expansion of the cemetery on land that was previously taken by the federal government.

C. A description of changes made in the preceding year to the written policies and procedures required by section 12022 or to the procedures used by the governing body to monitor compliance with those policies and procedures.

The Board of Trustees did not change or amend the Accounting Policies and Procedures Manual or the Purchasing Policy during calendar year 2013.

I would also note that on January 6, 2014 MRRA submitted a thirteen page detailed narrative and financial report on the activities of MRRA for calendar year 2013 to Governor Paul LePage consistent with the requirements of 5 MRSA §13083-S.

Sincerely,

S/Steven H. Levesque
Executive Director

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 661

**MAINE MUNICIPAL AND RURAL ELECTRIFICATION
COOPERATIVE AGENCY**

January 21, 2014

Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Re: Quasi-Independent State Entity Report of Maine Municipal and Rural Electrification Cooperative Agency

Dear President Alford and Speaker Eves:

DIRIGO, the Association of the state consumer and member owned utilities, formed the Maine Municipal and Rural Electrification Cooperative Agency (MMRECA) as a vehicle for promoting joint action among the state's eight consumer owned utilities. The officers of DIRIGO serve as the officers of MMRECA. The members of DIRIGO participating in MMRECA activities fund all costs of those activities. MMRECA receives no State funding. DIRIGO sees an inherent value in maintaining MMRECA even though it has not been active in the past years. The electric utility "business" was historically stagnant, but with the ever continuing changes that have taken place and that are likely to occur in the future, DIRIGO believes it needs all of the mechanisms available to it to meet any new challenges and be able to provide the best possible service to our consumer owners and members.

In compliance with 5 M.R.S.A. §12023 MMRECA provides the following response. The MMRECA did not adopt policies regarding vendor selection, contributions, and travel, meals and entertainment. MMRECA commits that it will put in place such policies prior to engaging in associated activities. MMRECA has not retained a lobbyist.

If you have any questions please do not hesitate to contact the undersigned.

Sincerely,

S/Scott M. Hallowell
MMRECA

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 662

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

January 23, 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. 137 | An Act To Amend the Laws Governing Retirement under the Maine Public Employees Retirement System (EMERGENCY) |
| L.D. 186 | An Act To Amend the Laws Governing Disability Retirement Determinations by the Maine Public Employees Retirement System |
| L.D. 1142 | An Act Regarding Correctional Officers' Retirement |
| L.D. 1395 | An Act Regarding the Cost-of-living Adjustment for Certain State Retirees When the Cost of Living Declines |
| L.D. 1473 | An Act To Create a Public Option Pension System |
| L.D. 1514 | An Act To Reform the Maine Public Employees Retirement System (EMERGENCY) |

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: S.C. 663

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

January 22, 2014

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

Dear President Alfond and Speaker Eves:

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

L.D. 1330 An Act To Establish in Law a Method for
Alternative Certification of Teachers

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

Sincerely,

S/Sen. Rebecca J. Millett S/Rep. W. Bruce MacDonald
Senate Chair House Chair

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

The Following Communication: S.C. 664

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

January 23, 2014

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

Dear President Alfond and Speaker Eves:

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

L.D. 196 An Act Regarding the Implementation of the
Quality Assurance Program for Public Safety
Answering Points

L.D. 275 Resolve, To Require the Emergency Services
Communication Bureau To Expand the Existing
Quality Assurance System

L.D. 796 Resolve, To Enhance Economic Development
by Encouraging Businesses Adjacent to Electric
Power Generators To Obtain Power Directly

L.D. 950 An Act To Establish the Electromagnetic Field
Safety Act

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

Sincerely,

S/Sen. John J. Cleveland S/Rep. Barry J. Hobbins
Senate Chair House Chair

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

The Following Communication: S.C. 665

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

January 23, 2014

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

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Environment and Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 331 Resolve, To Expand Economic Development in
the Town of Orrington by Releasing Certain
Riverfront Land from State-imposed
Environmental Restrictions

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

Sincerely,

S/Sen. James A. Boyle S/Rep. Joan W. Welsh
Senate Chair House Chair

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

The Following Communication: S.C. 666

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

January 23, 2014

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

Dear President Alfond and Speaker Eves:

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

- L.D. 535 An Act To Promote Greater Flexibility in the Provision of Long-term Care Services
- L.D. 968 An Act To Provide Needed Psychiatric Hospitalization for Persons with Mental Illness
- L.D. 1047 Resolve, To Provide a Better Transition for Foster Children to Independent Adulthood

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

Sincerely,

S/Sen. Margaret M. Craven S/Rep. Richard R. Farnsworth
Senate Chair House Chair

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

The Following Communication: S.C. 667

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

January 22, 2014

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

Dear President Alfond and Speaker Eves:

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

- L.D. 1037 An Act To Provide Access to Affordable Health Care for All Maine Residents by 2020

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

Sincerely,

S/Sen. Geoffrey M. Gratwick S/Rep. Sharon Anglin Treat
Senate Chair House Chair

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

The Following Communication: S.C. 668

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

January 23, 2014

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

Dear President Alfond and Speaker Eves:

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

- L.D. 108 An Act To Rename Big Moose Mountain as Red Eagle Mountain
- L.D. 120 An Act To Facilitate Regional Transit
- L.D. 566 Resolve, To Enhance and Encourage Economic Development of the Lower Penobscot River Basin by Improving Rail Transportation

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

Sincerely,

S/Sen. Edward J. Mazurek S/Rep. Charles K. Theriault
Senate Chair House Chair

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

The Following Communication: S.C. 669

MAINE EDUCATIONAL LOAN AUTHORITY

January 24, 2014

Honorable Justin L. Alfond
President of the Maine Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond:

Pursuant to 5 MRSA, chapter 379, subchapter 3, §12023, enclosed is the Maine Educational Loan Authority's (MELA) annual report to the Legislature required by Public Law 2011, chapter 616: An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-Independent State Entities. MELA's annual report is for the period of January 1, 2013 through December 31, 2013, and includes the required information related to procurements, contributions, and written policies and procedures.

If you have any questions or need additional information, please contact me at 729-5897 or via e-mail at jchris203@gmail.com.

Sincerely,

S/John C. Atkinson, Chair

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

The Following Communication: S.C. 670

**LORING COMMERCE CENTRE
LORING DEVELOPMENT AUTHORITY OF MAINE**

January 23, 2014

Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Re: 5 MRSA Section 12023
Quasi-independent entity report

Dear President Alfond and Speaker Eves:

Please find enclosed the 2014 report of the Loring Development Authority of Maine (LDA), a quasi-independent state entity, as required by 5 MRSA Section 12023. We understand that by February 1, 2014 and annually thereafter, LDA must submit a report to the State of Maine Legislature as outlined in 5 MRSA Section 12023.2.

Please don't hesitate to contact me with any questions.

Very truly yours,

S/Carl W. Flora

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

The Following Communication: S.C. 671

**TOWN OF PITTSFIELD
RESOLUTION ON MUNICIPAL REVENUE SHARING**

Be It Resolved by the Pittsfield Town Council:

Whereas, the Pittsfield Town Council is deeply concerned and wishes to express its opposition to the continual depletion of the Municipal Revenue Sharing Program that had been guaranteed under the State of Maine law as a source of funding for municipalities. It is understood that monthly payments to towns will change during the years due to the funds collected under the law. It is not understood as to why the funds are being taken from the Towns and used by the Legislature to balance first the State FY 2014 budget and now the FY 2015 budget. These funds were designated for the municipalities so that there would be alternative revenues to that of the property tax. The diversion of Municipal Revenue Sharing is resulting in an alarming shift of costs to the Property tax and to the Property Taxpayer across the State of Maine.

Whereas, for FY 2015, the estimated \$146 million dollars in municipal revenue sharing distribution called for in the law was reduced to just \$60 million dollars with the remaining \$86 million dollars of Municipal Revenue Sharing diverted to support the State budget.

Whereas, the budget directed that a special "Tax Expenditure Review Task Force" recommend \$40 million dollars worth of tax exemptions for elimination, resulting in putting up an additional \$40 million of Municipal Revenue Sharing cuts as collateral if the Tax Force effort did not work. As we have recently heard, the Tax Force effort did not result in any recommendations due to a variety of reasons including confusion over the many tax exemptions currently allowed under the law, the details of those exemptions and the time period allowed for the review.

Whereas, if \$40 million more dollars are taken from the Municipal Revenue Sharing account, this program will effectively be close to termination and certainly not remotely within the spirit of the law that created the program.

Whereas, in 2009, the Town of Pittsfield's Municipal Revenue Sharing was at a level of \$452,832 which represented 28% of the Town's municipal revenue collections. Municipal Revenue Sharing has been utilized to decrease the amount of property taxes collected and to fund necessary town programs.

Whereas, in FY 2015, if the Legislature does not act to save the Municipal Revenue Sharing program and the distribution becomes \$20 million, the Town will receive an estimated \$69,082 rather than \$376,713 provided for in FY 2013 before the shift of Municipal Revenue Sharing from the municipalities to the State.

Whereas, to not increase taxes on citizens, especially our senior citizens, the Town has taken many actions to deal with the loss of Municipal Revenue Sharing during 2013 and 2014 as follows: the Town ceased implementation of its paving plan resulting in roads which requiring work to not receive pavement or reconstruction; reduced capital expenditures for infrastructure; suspended energy retrofits; deleted tree planting and many landscaping projects; delayed downtown improvements; deleted planned purchases; and reduced funding appropriations for several services. The effects have already been felt and it is becoming very difficult to fund municipal services.

Whereas, for the last decade, the Town has made a concentrated and comprehensive effort to reduce its expenditures in an effort to reduce property taxes for municipal expenditures. With the loss of additional funds, the Town will not be able to reduce any more programs without significant burden on our citizens and remaining staff or an increase in property taxes which will also burden our taxpayers.

Whereas, to replace this loss of Municipal Revenue Sharing through property taxation, the Town's tax rate would need to be increased by an estimated \$1.50 mils without including the impact of SAD#53's assessment and before considering any needs of the community in its budget;

Now, therefore, be It Resolved by the Pittsfield Town Council to request that the State Legislature re-instate the Municipal State Revenue Sharing Program to the original requirements of the law and not take any funds from the program.

IN THE TOWN COUNCIL, January 21, 2014, Read and Adopted.
S/Nicole Nickolan, Town Clerk
APPROVED, January 21, 2014

S/Gary R. Jordan, Jr., Mayor
S/Trudy A. Ferland, Councilor
S/Caleb K. Curtis, Councilor
S/Robert N. Stackhouse, Councilor
S/Heather J. Donahue, Councilor

READ and REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

SENATE PAPERS

Bill "An Act To Amend the Maine Administrative Procedure Act and Clarify Wind Energy Laws"
S.P. 692 L.D. 1750

Presented by President ALFOND of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Preserve Certain Rights Granted to Maine Public Service Company before Its Merger with Bangor Hydro Electric Company"
S.P. 693 L.D. 1752

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative GIDEON of Freeport and Senator: YOUNGBLOOD of Penobscot, Representatives: BEAVERS of South Berwick, HOBBS of Saco, TIPPING-SPITZ of Orono.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Sent down for concurrence.

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

Off Record Remarks

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

The Town of Phippsburg, on the 200th anniversary of its incorporation. Annexed to Georgetown in 1741, Phippsburg, named after Sir William Phipps, a former royal governor of Massachusetts, incorporated under its present name in 1814. Phippsburg is the site of the Popham Colony, the first known English settlement attempt in New England. Phippsburg is a major tourist destination, home to Fort Popham State Historic Site and Popham Beach State Park. The town, on the west side of the Kennebec River, has played an important role in the shipbuilding heritage of Maine. We extend our congratulations to the good citizens of Phippsburg as they begin a year-long celebration of their bicentennial and send them our best wishes;
SLS 740

Sponsored by Senator VITELLI of Sagadahoc.
Cosponsored by Representative: SAXTON of Harpswell.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you Mr. President. I am pleased to rise to announce that the Town of Phippsburg is beginning its year-long celebration of its 200th anniversary of its founding and I would invite all my colleagues to come pay a visit to the town of Phippsburg, which has some of the most magnificent beaches in the state. As I just learned, the Governor William Phipps' portrait hangs in the back of the room, after who the town was named. Thank you very much.

PASSED.

Sent down for concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Resolve

The **Probate and Trust Law Advisory Commission** on Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Work on Maine's Probate Code and the Uniform Probate Code

H.P. 1247 L.D. 1741

Reported that the same **Ought to Pass**, pursuant to Resolve 2013, chapter 5, section 2.

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Review of the Issue of Inheritance of Digital Assets

H.P. 1248 L.D. 1742

Reported that the same **Ought to Pass**, pursuant to Resolve 2013, chapter 27, section 2.

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Sexually Explicit Text Messaging by Minors"

H.P. 454 L.D. 662

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

Signed:

Senators:

GERZOFKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

DION of Portland
KAENRATH of South Portland
LAJOIE of Lewiston
LONG of Sherman
MARKS of Pittston
PEASE of Morrill
TYLER of Windham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-586)**.

Signed:

Representatives:

PLANTE of Berwick
WILSON of Augusta

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **GERZOFKY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow County Jails To Apply Savings to Debt Service without a Reduction in State Payments"

S.P. 192 L.D. 502

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

Signed:

Senators:

GERZOFKY of Cumberland
DUTREMBLE of York

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
MARKS of Pittston
PLANTE of Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-374)**.

Signed:

Senator:

PLUMMER of Cumberland

Representatives:

LONG of Sherman
PEASE of Morrill
WILSON of Augusta

Reports **READ**.

Senator **GERZOFKY** of Cumberland 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.

At this point a message was received from the House of Representatives, borne by Representative BERRY of Bowdoinham informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable George J. Mitchell an invitation to attend and make such communication as pleases him.

The Chair noted the absence of the Senator from York, Senator **TUTTLE**, and the Senator from Washington, Senator **BURNS**, and further excused the same Senators from today's Roll Call votes.

SECOND READERS

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

House

Bill "An Act To Amend the Reporting Requirements of the Workers' Compensation Management Fund"
H.P. 988 L.D. 1385

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

Senate at Ease.

Senate called to order by the President.

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 Assigned (1/16/14) matter:

Bill "An Act To Increase Consumption of Maine Foods in All State Institutions"

H.P. 888 L.D. 1254
(S "A" S-355 to C "A" H-510)

Tabled - January 16, 2014, by Senator **HASKELL** of Cumberland

Pending - **CONSIDERATION**

(In House, January 14, 2014, **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED**, notwithstanding the objections of the Governor.)

(In Senate, January 16, 2014, Veto Communication (H.C. 307) **READ** and **ORDERED PLACED ON FILE**.)

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, this bill came before my committee, the State and Local Government Committee, and one of the things I want us to be really clear about is there's been a lot of talk about how this doesn't encourage competition. However, the bill specifically states that Maine institutions only have to use local foods if things are priced competitively. It also excludes schools, since schools have to follow U.S. regulations due to the school lunch program. I would encourage us to pass this bill because it's actually encouraging healthy food for State employees, for anyone who uses State institutions, and in addition it helps our

local farmers. One of the biggest job opportunities up and coming is farming for young people. I think we should do all we can to make sure that we support them. Thank you very much.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to urge you to vote to Override this veto of L.D. 1254, An Act to Increase Consumption of Maine Foods in All State Institutions. When are we going to invest in our state's food economy, our production? If not now, when? We all talk about the fact that we want to do the best that we can for our natural resources economy. This is a perfect way to do that. These are traditional industries here in Maine that we've leaned on in the past. They are in somewhat of a decline. A bill like this would actually do something that could actually help these industries as far as farming goes. L.D. 1254 is a common sense economic development measure that would strengthen Maine's food economy and promote job creation for Maine people. Last session the Legislature agreed to the measure, passing the bill by a two-thirds vote, a super majority to be sure. L.D. 1254 would direct all State funded institutions to purchase a percentage of food from Maine food producers. Those percentages increase incrementally over the next 20 years in order to make them achievable and fiscally responsible. Schools that participate in the federal school lunch program are exempt. The Joint Standing Committee on State and Local Government, chaired by Senator Lachowicz, did an outstanding job working on this bill. The school exemption was prudent in order to keep this bill moving forward and the committee also knew that L.D. 1431, An Act to Support School Nutrition to Expand the Local Food Economy, was also in the pipeline. That proposal seeks to remedy any problems with local school districts that may have trouble sourcing food from the local food producers. I just, again, want to say that the bill was worked on last session. It had an extremely strong report out of the committee. It had an extremely strong report both in the House and Senate. Passed with great numbers. It's really hard to understand how we all talk about the economy here in Maine and how we have to do things to do it locally. I think we have a number of advertising campaigns to buy locally and get your products here in Maine. Here's a perfect example of how we could actually be providing food that is grown in our local communities, good food, not something that's full of any steroids or anything like that, something that we know where it's been made, and it's probably the most healthy for our children, and it's going to actually help the economies in those local areas, and we're willing to reject it. I'm very confused about why we wouldn't want to try and make something like this; that is very well thought out, very slow over time. It actually dovetails onto existing law that already talks about how we want the state to be providing food from our local producers anyways. This bill just kind of goes along with that, to try to help encourage that and promote it further. I would really encourage everyone to not let the vision of a bill like this get in the way. It makes sense. It makes sense today. It makes sense tomorrow. It's always going to make sense. The only thing that won't make sense is if we don't vote to override this bill today. Thank you very much, Mr. President.

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 (#388)

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

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

EXCUSED: Senators: BURNS, TUTTLE

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, and 20 being more 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.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (1/21/14) matter:

Resolve, Extending the Date by Which the Family Law Advisory Commission Must Report on Its Study of the Uniform Parentage Act and Other Similar Laws and Proposals
H.P. 1243 L.D. 1737

Tabled - January 21, 2014, by Senator **VALENTINO** of York

Pending - **ACCEPTANCE OF REPORT**

(In House, January 16, 2014, Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **JUDICIARY**.)

(In Senate, January 21, 2014, Report **READ**.)

On motion by Senator **VALENTINO** of York, Report **REJECTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later Assigned (1/23/14) matter:

Bill "An Act To Improve Maine's Involuntary Commitment Processes"

H.P. 1244 L.D. 1738

Tabled - January 23, 2014, by Senator **VALENTINO** of York

Pending - **REFERENCE**

(In House, January 21, 2014, **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.

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

Off Record Remarks

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

Off Record Remarks

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

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

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** to Thursday, January 30, 2014, at 10:00 in the morning.