

MAINE STATE LEGISLATURE

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

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beginning January 8, 2014

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

In Senate Chamber
Thursday
February 13, 2014

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

Prayer by Pastor Garnett Chute, Hermon Baptist Church in Hermon.

PASTOR CHUTE: I just want to thank each of you for the opportunity to be here as we recognize the sovereignty of God in each of our lives. I couldn't think of a better prayer than what the Lord, Jesus Christ, taught us in Mathew; The Lord's Prayer. May we all bow our hearts together and we'll recite this in unison, if you would like to join me.

Our Father, who art in heaven, hallowed be thy name.
Thy kingdom come, thy will be done,
On earth as it is in heaven.

Give us this day our daily bread,
And forgive us our trespasses as we forgive those who trespass against us.

Lead us not into temptation,
But deliver us from evil.

For thine is the kingdom, the power, and the glory, for ever and ever.

Amen.

Thank you, and it's a great way to start our day, recognizing the sovereignty of God as we recognize Him as well as the sovereignty of our country. Thank you.

Pledge of Allegiance led by Senator Garrett Paul Mason of Androscoggin County.

Reading of the Journal of Tuesday, February 11, 2014.

Doctor of the day, Ann Dorney, MD of Norridgewock.

Out of order and under suspension of the Rules, on motion by Senator **JACKSON** of Aroostook, the following Joint Order:
S.P. 705

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 18, 2014 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 726

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

February 11, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1587 An Act To Temporarily Ban the Use of
Neonicotinoid Pesticides

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

Sincerely,

S/Sen. Eloise A. Vitelli
Senate Chair

S/Rep. James F. Dill
House Chair

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

The Following Communication: S.C. 727

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

February 11, 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 Alford 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. 1635 An Act To Clarify the School Budget Development Process in Certain Charter Municipalities (EMERGENCY)

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

Sincerely,

S/Sen. Rebecca J. Millett
Senate Chair

S/Rep. W. Bruce MacDonald
House Chair

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

The Following Communication: S.C. 728

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

February 11, 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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1609 An Act To Establish an Education and Skills Training Tax Credit for Veterans

L.D. 1715 An Act To Provide Property Tax Relief to Persons Receiving Long-term Care (EMERGENCY)

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

Sincerely,

S/Sen. Anne M. Haskell
Senate Chair

S/Rep. Adam A. Goode
House Chair

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

SENATE PAPERS

**Pursuant to Joint Rule
Joint Standing Committee on Health and Human Services**

Senator CRAVEN for the **Joint Standing Committee on Health and Human Services**, pursuant to Joint Rule 353 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Commission To Study Long-term Care Facilities" (EMERGENCY)

S.P. 704 L.D. 1776

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Make Minor Technical Changes to the Laws Governing the Department of Labor"

H.P. 1200 L.D. 1677

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

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

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

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

Ought to Pass As Amended

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Define 'Brand' under the Liquor Laws"

H.P. 517 L.D. 766

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-599)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-599)**.

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

READ ONCE.

Committee Amendment "A" (H-599) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Costs and Increase Access to Methadone Treatment"

H.P. 858 L.D. 1213

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

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-598)**.

Signed:

Representatives:

PETERSON of Rumford
STUCKEY of Portland

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Minority **Ought To Pass as Amended** Report.)

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Simplify the Audit Procedures of the Maine Rural Development Authority"

S.P. 661 L.D. 1666

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-388)**.

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

READ ONCE.

Committee Amendment "A" (S-388) **READ** and **ADOPTED**.

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

Sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Promote and Enhance State Policy To Preserve and Support Existing Methods of Disposal of Municipal Solid Waste"

S.P. 545 L.D. 1483

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-386)**.

Signed:

Senators:

BOYLE of Cumberland
SAVIELLO of Franklin

Representatives:

WELSH of Rockport
AYOTTE of Caswell
CAMPBELL of Orrington
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
McGOWAN of York
REED of Carmel

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Representatives:
HARLOW of Portland
LONG of Sherman

Reports **READ**.

Senator **BOYLE** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 TO PASS AS AMENDED** Report.

SECOND READERS

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

House As Amended

RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot
H.P. 131 L.D. 156
(C "B" H-587)

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

ENACTORS

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

Emergency Measure

An Act To Increase the Base for the Cost-of-living Increase for Retired State Employees and Teachers
S.P. 68 L.D. 232
(C "A" S-375)

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

Emergency Measure

An Act To Permit the Sharing of Revenue from the Sale of Alcoholic Beverages at Sporting Events
S.P. 679 L.D. 1713
(C "A" S-377)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services
H.P. 1154 L.D. 1583

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services
H.P. 1155 L.D. 1584

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

Acts

An Act Relating to Orally Administered Cancer Therapy
S.P. 217 L.D. 627
(C "B" S-379)

An Act To Authorize Public Safety Personnel and Members of the Military To Wear Their Uniforms When Visiting Schools in Their Official Capacities
H.P. 1150 L.D. 1579
(H "A" H-597 to C "A" H-594)

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

An Act To Permit a Student Holding a Degree from a Non-Maine Institution To Participate in the Job Creation Through Educational Opportunity Program

H.P. 1009 L.D. 1421
(C "A" H-596)

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

Resolves

Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-Target Deposition, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

H.P. 1137 L.D. 1567
(C "A" H-590)

Resolve, Regarding Legislative Review of Portions of Chapter 20: Special Provisions, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

H.P. 1138 L.D. 1568
(C "A" H-591)

Resolve, Regarding Legislative Review of Portions of Chapter 51: Notice of Aerial Pesticide Application, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

H.P. 1139 L.D. 1569
(C "A" H-592)

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

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

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 (2/11/14) matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Clarify When Bonds May Be Issued"

H.P. 628 L.D. 904

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-595)** (8 members)

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

Tabled - February 11, 2014, by Senator **HILL** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence (Roll Call Ordered)

(In House, February 6, 2014, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595).**)

(In Senate, February 11, 2014, Reports **READ.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#398)

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

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

ABSENT: Senator: WOODBURY

EXCUSED: Senator: DUTREMBLE

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **HILL** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-595) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Senate at Ease.

Senate called to order by the President.

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:

Act

An Act Related to the Report of the Tax Expenditure Review Task Force

H.P. 1264 L.D. 1762

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

Ordered sent down forthwith.

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

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

Senator **CAIN** of Penobscot 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.

Senator **MILLETT** of Cumberland 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.

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

Off Record Remarks

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 18, 2014, at 10:00 in the morning.