

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
March 11, 2014

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

Prayer by Senator Douglas A. Thomas of Somerset County.

SENATOR THOMAS: Let us pray. Our Father who is in heaven, hallowed be thy name. Father, please forgive us our debts as we forgive our debtors. Father, You have promised us wisdom if we ask. I ask for wisdom for all in this Chamber today. Father, I ask for Your guidance and the courage to use that wisdom to do what is right for the people we serve. Father, I ask You to please continue to bless the people of Maine. In Jesus' name I ask. Amen.

Pledge of Allegiance led by Senator Linda M. Valentino of York County.

Reading of the Journal of Thursday, March 6, 2014.

Doctor of the day, Patrick Connolly, MD of Portland.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Improve Access to Oral Health Care"
H.P. 870 L.D. 1230
(C "C" H-589)

In Senate, February 6, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-589)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-589) AS AMENDED BY HOUSE AMENDMENT "B" (H-658)** thereto, in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: S.C. 794

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

March 6, 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 Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the attached findings of the Joint Standing Committee on Appropriations and Financial Affairs from the review and evaluation of the Maine Public Employees Retirement System (MainePERS) under the State Government Evaluation Act.

Sincerely,

S/Senator Dawn Hill
Senate Chair

S/Representative Margaret Rotundo
House Chair

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

The Following Communication: S.C. 795

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

6 March 2014

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

Dear Honorable Members of the 126th Legislature:

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 11, 2014

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1736, "Resolve, To Provide Maine Students with Access to Online and Digital Learning Opportunities through Their Existing School Districts."

This bill seeks to place a moratorium on Maine Connections Academy, a 501(c)(3) non-profit, Maine-based school that has been approved by the Maine Charter School Commission. MCA provides a so-called "virtual" option on a full-time basis to students for whom the traditional school environment is not a viable option. This school can serve no more than 750 students—and then only in its fifth year—a total of .4 percent of the Maine students in kindergarten through twelfth grade. But, for these few hundred students, many of them emotionally or physically unable to access a "brick and mortar" option, this school is critical.

This bill also lays the groundwork for the State to move forward with a "blended learning" model wherein students in traditional educational environments can gain access to courses that are not offered in their school. This too is a critical piece of a well-rounded educational picture and it is already happening at more than fifty Maine schools. I continue to support the expansion of these efforts on behalf of our students.

However, blended learning and full-time virtual programs are two very different models. Both are important to certain students and they do not compete with one another. A moratorium on one does not benefit the other. It merely denies hundreds of children who need it access to their best educational opportunity.

For these reasons, I return LD 1736 unsigned and vetoed so that more Maine children will have the best educational opportunities for their specific needs. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Resolve:

Resolve, To Provide Maine Students with Access to Online and Digital Learning Opportunities through Their Existing School Districts

S.P. 689 L.D. 1736

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

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

SENATE PAPERS

Bill "An Act To Appropriate and Allocate Funds To Strengthen the State's Efforts To Investigate, Prosecute and Punish Persons Committing Drug Crimes"

S.P. 725 L.D. 1811

Presented by Senator **PLUMMER** of Cumberland.
(GOVERNOR'S BILL)

On motion by Senator **GERZOFSKY** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Hold an Advisory Referendum on Tax Reform"
(EMERGENCY)

S.P. 726 L.D. 1813

Presented by Senator **THOMAS** of Somerset. (GOVERNOR'S BILL)

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

Sent down for concurrence.

Bill "An Act To Increase the Penalty for Failing To Carry Proof of Motor Vehicle Financial Responsibility"

S.P. 724 L.D. 1810

Presented by Senator **PLUMMER** of Cumberland.
(GOVERNOR'S BILL)

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

On motion by Senator **GERZOFSKY** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

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:

Olivia Duron, of Hampden, a senior at Hampden Academy and a member of Girl Scout Troop 199, who has received the Girl Scout Gold Award. This is the highest award in Senior Girl Scouting and is given for excellence in skills development, leadership, personal growth and community service. For her Gold Award project, Olivia created an effective inventory system for the music department of her school. She put in more than 85 hours to complete the project. We send our congratulations to Olivia on this accomplishment;

SLS 777

Sponsored by Senator CUSHING of Penobscot.
Cosponsored by Representative: DUPREY of Hampden.

READ.

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE**.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect the Integrity of Funding for Harness Racing Purses" (EMERGENCY)
H.P. 1203 L.D. 1680

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-654)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-654)**.

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

READ ONCE.

Committee Amendment "A" (H-654) **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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Concerning High-stakes Beano"
H.P. 188 L.D. 227

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

Signed:

Senators:

MASON of Androscoggin
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-627)**.

Signed:

Senator:

TUTTLE of York

Representatives:

KINNEY of Limington
LONGSTAFF of Waterville
RUSSELL of Portland
SAUCIER of Presque Isle

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought To Pass as Amended Report**.)

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED Report READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-627)**.

Reports **READ**.

On motion by Senator **HASKELL** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Authorize the Houlton Band of Maliseet Indians To Operate a Casino in Aroostook County"
H.P. 925 L.D. 1298

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

Signed:

Senators:

MASON of Androscoggin
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
BEAULIEU of Auburn

GIFFORD of Lincoln
LONGSTAFF of Waterville
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-629)**.

Signed:

Senator:
TUTTLE of York

Representatives:
FOWLE of Vassalboro
KINNEY of Limington
RUSSELL of Portland
SAUCIER of Presque Isle

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought To Pass as Amended Report**.)

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED Report READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-629)**.

Reports **READ**.

On motion by Senator **HASKELL** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow the Passamaquoddy Tribe To Operate Slot Machines in Washington County in Conjunction with High-stakes Beano"

H.P. 1091 L.D. 1520

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

Signed:

Senators:
MASON of Androscoggin
PATRICK of Oxford

Representatives:
LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-630)**.

Signed:

Senator:
TUTTLE of York

Representatives:
RUSSELL of Portland
SAUCIER of Presque Isle

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought To Pass as Amended Report**.)

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED Report READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630)**.

Reports **READ**.

On motion by Senator **HASKELL** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Senate

Ought to Pass As Amended

Senator MILLETT for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Ensure Equity in Teacher Retirement Costs for Private Academies" (EMERGENCY)

S.P. 651 L.D. 1657

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-416)**.

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

READ ONCE.

Committee Amendment "A" (S-416) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BOYLE for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Mandatory Shoreland Zoning Laws To Exclude Subsurface Waste Water Disposal Systems from the Definition of 'Structure'"
S.P. 694 L.D. 1755

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-417).**

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

READ ONCE.

Committee Amendment "A" (S-417) **READ** and **ADOPTED**. Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients" (EMERGENCY)

S.P. 641 L.D. 1674

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-415).**

Signed:

Senators:

VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
JONES of Freedom
MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representative:

HICKMAN of Winthrop

Reports **READ.**

On motion by Senator **VITELLI** of Sagadahoc, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-415) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Access to Dental Care through the Establishment of the Maine Board of Oral Health"

S.P. 453 L.D. 1310

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-418).**

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
GILBERT of Jay
HAMANN of South Portland
MASON of Topsham
MASTRACCIO of Sanford
WINCHENBACH of Waldoboro

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

Signed:

Senators:

CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

DUPREY of Hampden
LOCKMAN of Amherst
VOLK of Scarborough

Reports **READ.**

On motion by Senator **HASKELL** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

Off Record Remarks

SECOND READERS

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

Senate As Amended

Bill "An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers"

S.P. 412 L.D. 1175
(C "A" S-413)

Bill "An Act To Support Homeless Shelters"

S.P. 682 L.D. 1717
(C "A" S-414)

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

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Restore Funding in the Maine Budget Stabilization Fund through Alternative Sources" (EMERGENCY)
H.P. 1298 L.D. 1807

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

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

Bill "An Act To Reduce the Burden Placed on Students as a Result of Requirements To Take Remedial Courses"
H.P. 1301 L.D. 1812

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement Managed Care in the MaineCare Program"

S.P. 552 L.D. 1487

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-419).**

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
PETERSON of Rumford
STUCKEY of Portland

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

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

Reports **READ.**

On motion by Senator **CRAVEN** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Expression of Legislative Sentiment recognizing Olivia Duron, of Hampden

SLS 777

Tabled - March 11, 2014, by Senator **KATZ** of Kennebec

Pending - **PASSAGE**

(In Senate, March 11, 2014, **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, as we all know, one of the great pleasures afforded us is the opportunity to recognize distinguished individuals or events in our districts and communities. Today I have the pleasure of presenting before you a young lady who has accomplished something significant. For those of you who have been involved in Scouting you know that in the Boy Scouts the Eagle Scout Award is a tremendous accomplishment for a young man. In the Girl Scouts the award that is of significant stature is the Gold Award. It represents the highest achievement in Girls Scouting. It's open only to girls in high school and this prestigious award challenges you to change the world, or at least your corner of it, to be eligible. In this case, college scholarships are one of the benefits. By the time you've put the final touches on your seven step project you've solved a community problem, not only in the short-term but for years in the future. This is a very involved process. For those of you who have had the pleasure of working with either your own awards level or with the awards level of young ladies in your community, it's a wonderful opportunity for them to grow and develop. Olivia Duron, who is here, has accomplished a very positive project. She and her family are great lovers of music. She's been involved in chorus and a number of other band and music related activities in her community. She even performs in a band with her Dad. It's a great bonding experience for the family. I had the pleasure several years ago of her sister being here and being recognized for her Gold Award. Today Olivia is being recognized in this sentiment for developing an inventory system for the Hampden Academy band materials; their uniforms and whatnot. It's great, as we look around our communities and see what these young, bright individuals have done to make contributions to our communities. With that, Mr. President, I would respectfully ask that the Secretary read the sentiment.

At the request of Senator **CUSHING** of Penobscot, Joint Order **READ**.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the chamber Olivia Duron. She is joined today by her parents, Robert and Stephanie Duron. They are from the town of Hampden. They are here as the guests today of the Senator from Penobscot, Senator Cushing. Will they please rise and accept the warm greetings of the Maine State Senate.

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

Senator **BURNS** of Washington was granted unanimous consent to address the Senate on the Record.

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, things happened so quickly this morning that we didn't have an opportunity for me to speak about a group of people who will be coming in after we adjourn. I'm just going to direct your attention, if you would, to the House Calendar. It's item 4-1, a Joint Resolution, which I was very proud to co-sponsor, honoring the Wreaths Across America group. As I said, I'm a little disappointed. They were going to come in after they went to the House. Please take a moment and read that Resolution and the great things that this organization has done for our veterans and do every year. They started out in 1992 with just a few wreaths to a poorly traveled section of Arlington Cemetery. Now they are up to 142,000 wreaths that they deliver every year to the Arlington National Cemetery, as well as 900 other places in this country. When the Worcester's come through the hallway I think you'll recognize them. Please take a moment and stop and thank them for this. Thank you, Mr. President.

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

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

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

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

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** to Wednesday, March 12, 2014, at 10:00 in the morning.