

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 3, 2014

beginning at Page 1

STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
January 8, 2015

Senate called to order by President Michael D. Thibodeau of
Waldo County.

Prayer by Pastor Linda Gard, Congregational - Christian Church
in New Gloucester.

PASTOR GARD: Let us pray. God of all our days, we come to You in prayer, especially now as this year opens. We are mindful that our times are in Your hands. We come to You to pray for the work which this Senate has sworn to undertake for the state of Maine and its people. Senators, staffers, and observers alike have come, propelled by urgent causes and equipped with righteous rhetoric, and each one standing firm on the only correct side of every issue. With all the energy and earnest intention gathered here, do not let this day, or any day to come, fall short of its possibility for want of humility. Before this day unfolds turn all of us from our wills to Yours. Humbled we praise You for Your faithfulness to the people of Maine, making of us a strong heritage and being for us eternal comfort and good hope. Aware of great and bewildering challenges facing the people of Maine and certain need, we give thanks that You go always before us and dwell already in every troubled community we can name. We give thanks that You wage peace among us by means of Your holy mercy and justice and we give thanks that where anxiety and fear unravel the ties that bind, Your steadfast love unites us and holds us fast. With thanks and praise for You above all else, we begin this stunningly cold Maine winter day blessed to honor Your hope for the world and full of joy that You call us Your own. Amen.

Pledge of Allegiance led by Senator James F. Dill of Penobscot County.

Reading of the Journal of Wednesday, January 7, 2015.

Doctor of the day, Marshall Chamberlin, MD of Sanford.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **KATZ** of Kennebec, the following Senate Order:
S.O. 18

WHEREAS, the Standing Committee on the Senatorial Vote has met and, on the basis of the report of the committee, it is determined that Catherine Breen of Falmouth has been elected in Senate District 25 by a plurality of the votes in the election held on November 4, 2014; now, therefore, be it

ORDERED, that Catherine Breen of Falmouth be permanently seated as the duly elected Senator of Senate District 25.

READ.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, this is to confirm the report of the Senatorial Vote Committee. As you know, it was appointed by the Senate President as a result of the uncertainty surrounding the vote count in Senate District 25. I'd like to thank the Senate President for appointing me to this committee and for the chance to work so closely with all of its members, particularly my good friend, the Senator from York, Senator Hill. Our job was to look into the events surrounding the election and make a recommendation to the full Senate on who should be seated. Beyond that, Mr. President, we all knew that our job was to get it right so that the will of Senate District 25 voters would be carried out and all Maine citizens would know that here in our state every vote counts. The end result, of course, was that there was an explanation, unintentional human error in the recount process. At the end of the day, Cathy Breen was the people's choice and I know that all of us welcome her and congratulate her. I can't help but mention, Mr. President, just momentarily the integrity and dignity showed by Ms. Breen's, Senator Breen's, opponent, Cathy Manchester, throughout the process and the graciousness and class with which she handled the entire matter. Also, Mr. President, I'd like to thank other members of the committee; Senator Cushing, Senator Diamond, Senator Gerzofsky, Senator Hill, Senator Mason, and Senator Saviello. You may not have noticed, I listed them alphabetically and not by party because each and every member of the committee approached the task leaving partisanship at the door. When it came to making sure that the Maine people can have confidence in the integrity of the election process, there were no Republicans or Democrats. Again, Mr. President, welcome to our new colleague. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hill.

Senator **HILL:** Thank you, Mr. President. I agree with the good Senator from Kennebec that it was a wonderful experience, that it was a tremendous learning ground for all of us; I think for the Senators as well as the citizenship of Maine. It was an honor to serve with the Senators on that committee and I thank you for the appointment. I also wanted to add that I am very pleased to have Cathy Breen being seated today in the Senate. I think she displayed grace and professionalism throughout. When I think about her I think here's a mother, here's a daughter, here's a wife,

here's a person who has been an advocate for the mentally ill and the disabled, and today she's a Senator. Thank you very much.

On motion by Senator **KATZ** of Kennebec, **PASSED**.

The Senator from Kennebec, Senator **KATZ**, and the Senator from York, Senator **HILL**, and the Senator-elect from Cumberland, Senator-elect **BREEN**, were escorted to the Governor's Office.

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from Kennebec, Senator **KATZ**, reported that he had attended to the duties with which he was charged and was pleased to report the Senator from Cumberland, Senator **BREEN**, had, before the Governor, taken and subscribed to the oaths of office required by the Constitution. Thereupon, Senator **BREEN** of Cumberland took her seat in the Senate Chamber.

Out of order and under suspension of the Rules, on motion by Senator **MASON** of Androscoggin, the following Joint Order:
S.P. 12

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, January 13, 2015 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Promote Industrial Hemp"
H.P. 7 L.D. 4

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **EDGECOMB** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue for the Purchase and Development of the Bar Harbor Ferry Terminal as a Multimodal Transportation Facility"

H.P. 5 L.D. 2

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

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

Bill "An Act To Ensure Consistent Certification of Graduation Standards in Publicly Funded Secondary Schools"
(EMERGENCY)

H.P. 6 L.D. 3

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

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

Bill "An Act To Remove the Limit on the Number of Patients a Primary Caregiver May Provide for under the Medical Marijuana Laws"

H.P. 8 L.D. 5

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

On motion by Senator **BRAKEY** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Resolve, To Name the Route 11 Bridge over the Saco River in Standish and Limington the Veterans Memorial Bridge
H.P. 4 L.D. 1

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

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

**Pursuant to Statute
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying 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 (EMERGENCY)

H.P. 10 L.D. 7

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

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

**Pursuant to Statute
Maine Commission on Indigent Legal Services**

The **Maine Commission on Indigent Legal Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)

H.P. 11 L.D. 8

Be **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 29

**STATE OF MAINE
OFFICE OF THE STATE AUDITOR**

January 6, 2015

The Honorable Paul R. LePage
Governor of Maine

The Honorable Michael D. Thibodeau
President of the Senate

The Honorable Mark W. Eves
Speaker of the House of Representatives

I am pleased to submit the State Auditor's Fraud Hotline Semiannual Report for the period July 1, 2014 to December 31, 2014.

A summary of the complaints is attached.

Sincerely,

S/Pola A. Buckley, CPA, CISA
State Auditor

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

First Congregational-Christian Church, in New Gloucester, on the occasion of the 250th Anniversary of its founding. The church was organized on January 16, 1765 when Samuel Foxcroft was ordained as the first minister in New Gloucester. The present building was constructed in 1838, and the church joined the United Church of Christ in 1962. Its ministries include hosting the New Gloucester Food Pantry. We congratulate First Congregational-Christian Church on this historic anniversary;
SLS 27

Sponsored by Senator BRAKEY of Androscoggin.
Cosponsored by Representative: ESPLING of New Gloucester.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. Members of the Maine Senate, I'm honored to speak to this sentiment today. On January 16th the First Congregational-Christian Church of New Gloucester will have its 250th Anniversary. For 250 years the church has ministered to the people of the community. On January 16, 1765, Samuel Foxcroft, a Congregational pastor, was ordained at the blockhouse as the first minister in New Gloucester and the same day a church of eight members, all men, was organized. The blockhouse was used as a place of worship until 1773, when a partially completed meeting house began to be used for all functions of the church and town. The church

predated the incorporation of the Town of New Gloucester, which took place on March 8, 1774. At the time, incorporation as a town required the presence of a church and the First Congregational-Christian Church served that role in New Gloucester's incorporation. Most of all, I'm proud to speak to the sentiment because my parents were married in the church and I'm proud to have both my parents here with us here for this moment and also the pastor of the church, Linda Gard, who is our Pastor of the Day today. I want to thank them very much for being here and thank you for the time.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber today's pastor, Linda Gard of the Congregational-Christian Church in New Gloucester. Will she please step forward and accept the greetings of the Senate.

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

Off Record Remarks

REPORTS OF COMMITTEES

House

Pursuant to Statute

The Committee on **GOVERNMENT OVERSIGHT COMMITTEE** on Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees
H.P. 9 L.D. 6

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, pursuant to the Maine Revised Statutes, Title 3, section 997, subsection 2.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

Bill and accompanying papers **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

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 (12/3/14) matter:

SENATE ORDER - To leave Senate Seat 25 vacant, pending further determination

S.O. 11

Tabled - December 3, 2014, by Senator **HILL** of York

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

(In Senate, December 3, 2014, under suspension of the Rules, on motion by Senator **HILL** of York, **READ**.)

Senator **HILL** of York requested and received leave of the Senate to withdraw the Senate Order.

The Chair laid before the Senate the following Tabled and Later Assigned (12/3/14) matter:

SENATE ORDER - To Provisionally Seat Cathleen Manchester
S.O. 12

Tabled - December 3, 2014, by Senator **MASON** of Androscoggin

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

(In Senate, December 3, 2014, under suspension of the Rules, on motion by Senator **MASON** of Androscoggin, **READ**.)

Senator **MASON** of Androscoggin requested and received leave of the Senate to withdraw the Senate Order.

Off Record Remarks

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

Off Record Remarks

On motion by Senator **MASON** of Androscoggin, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 13, 2015, at 10:00 in the morning.