

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
Tuesday
January 20, 2015

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

Prayer by Pastor Ronald Robinson, Scarborough Free Baptist
Church.

PASTOR ROBINSON: Let us bow our heads. Dear God, these men and women in this room have taken a few moments before the start of their day to honor You, to seek Your guidance, and, in doing so, we admit to our limitations but we know we can beseech You for Your wisdom and knowledge that You generously give to those who ask You. These men and women ask for Your presence in this room today, knowing that the concerns, the issues, some of the problems unique to our state are not always easy to resolve, yet, God, true and by Your spirit, we know that there is always a solution. Let them know that the people in the state of Maine support them and that by working together we can move this state forward in a good way. These Senators have been given a gift, a desire, even a burden, for public service. Grant them stamina and patience and the fellowship of likeminded coworkers, to know that they have been put here for such a time as this and that You will see them through. May there be a spirit of cooperation and joy here today. I ask, God, that You bless them corporately, as a Body of people working together for the good of all. Bless them as individuals, their spouses, and their families, for no person is just one thing, but we are the sum of all our parts. Keep them. May their labor be fruitful for Your glory and for the benefit of the people in the State of Maine I pray. Amen.

Pledge of Allegiance led by Senator James M. Hamper of Oxford
County.

Reading of the Journal of Wednesday, January 14, 2015.

Doctor of the day, Charles Pattavina, MD of Winterport.

Off Record Remarks

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

Senator **HASKELL:** Thank you, Mr. President. Colleagues of the Senate, it's a sad occasion that I rise today. The Honorable Joe Brannigan, Saturday night, slipped the surly bonds of life and crossed over after a long illness. I just want, today, for us to remember, if you would, and when we close, this compassionate man, a mentor, a friend, a neighbor, and that if we could today, when we adjourn, do so in memory and lasting tribute to the Honorable Joe Brannigan. Thank you.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Eliminate the Bonding Authority of the Maine
Governmental Facilities Authority"

H.P. 45 L.D. 51

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

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

Bill "An Act To Make False Claims of Military Service a Crime"

H.P. 37 L.D. 43

Resolve, To Ensure Notification to the Public of the Location in
Maine of Persons Convicted in Foreign Countries of Crimes
Relating to the Sexual Abuse of a Child

H.P. 48 L.D. 54

Bill "An Act To Require Notice to Municipal Officers of Violations
of Emergency Medical Services Law and Rule"

H.P. 56 L.D. 62

Come from the House, **REFERRED** to the Committee on
CRIMINAL JUSTICE AND PUBLIC SAFETY and ordered
printed.

On motion by Senator **ROSEN** of Hancock, **REFERRED** to the
Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and
ordered printed, in concurrence.

Bill "An Act To Allow Sufficient Time for Implementation of the
Performance Evaluation and Professional Growth System for
Educators" (EMERGENCY)

H.P. 36 L.D. 38

Resolve, To Direct the Department of Education To Train School
Personnel To Implement Dyslexia Awareness and Student
Accommodation Policies

H.P. 38 L.D. 44

Bill "An Act To Limit Increases in the State's Share of Funding for Kindergarten to Grade 12 Public Education"

H.P. 50 L.D. 56

Bill "An Act To Protect Students' Rights and Privacy Regarding Their School Records"

H.P. 53 L.D. 59

Bill "An Act To Apply Equally a Curtailment or Other Loss in General Purpose Aid to Education"

H.P. 59 L.D. 65

Come 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 Exempt Certain Capital Expenditures from the Maine Certificate of Need Act of 2002"

H.P. 39 L.D. 45

Resolve, To Require the Department of Health and Human Services To Provide Supplemental Reimbursement to Adult Family Care Homes and Residential Care Facilities in Remote Island Locations

H.P. 57 L.D. 63

Come 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.

Bill "An Act To Increase Mileage Reimbursement and Compensation for Jurors"

H.P. 51 L.D. 57

Bill "An Act To Require Transparency of the Ownership of All Companies Providing Funds To Build Infrastructure for Development Purposes"

H.P. 52 L.D. 58

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

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

Bill "An Act To Adjust Maine's Minimum Wage"

H.P. 46 L.D. 52

Bill "An Act To Require Tattoo Practitioners To Be at Least 18 Years of Age"

H.P. 55 L.D. 61

Come from the House, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **VOLK** of Cumberland, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act To Allow Municipal Boards of Appeal To Grant Setback Variances for Certain Hardships Caused by Prior Owners of the Property"

H.P. 40 L.D. 46

Bill "An Act To Amend the Law Regarding the Annual Municipal Report Requirement"

H.P. 61 L.D. 67

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **WILLETTE** of Aroostook, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Bill "An Act To Reduce Registration Fees and Excise Taxes for For-hire Vehicles with Adaptive Equipment Enabling Access by Persons with Disabilities"

H.P. 42 L.D. 48

Bill "An Act To Exempt from Excise Tax Certain Vehicles Used by Persons with a Disability"

H.P. 43 L.D. 49

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

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

Resolve, Directing the Department of Transportation To Remove One of the Proposed Routes from Consideration for the Interstate 395 and Route 9 Connector

H.P. 41 L.D. 47

Bill "An Act To Authorize up to 3 Free Sets of License Plates for 100 Percent Disabled Veterans"

H.P. 44 L.D. 50

Resolve, To Direct the Department of Transportation To Name the Interstate 95 Rest Area in Hampden the Joshua Lawrence Chamberlain Rest Area

H.P. 49 L.D. 55

Resolve, Naming the Bridges That Span the Machias River in Machias the Jeremiah O'Brien Memorial Bridge

H.P. 60 L.D. 66

Come 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.

Bill "An Act To Require Shareholder Consent for Corporate Political Contributions"

H.P. 47 L.D. 53

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

On motion by Senator **CYRWAY** of Kennebec, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Ensure Proper Funding for Teacher Retirement"

H.P. 54 L.D. 60

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

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

COMMUNICATIONS

The Following Communication: S.C. 31

STATE OF MAINE
126TH MAINE LEGISLATURE
SECOND REGULAR SESSION
TASK FORCE TO END STUDENT HUNGER

December 22, 2014

The Honorable Michael D. Thibodeau, President
Maine State Senate

The Honorable Mark W. Eves, Speaker
Maine House of Representatives
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Pursuant to Resolve 2013, chapter 107 the Task Force to End Student Hunger in Maine is pleased to submit its final report. Copies of the full report have been distributed to committees or individuals as directed by law and copies have been placed on file with the Law and Legislative Reference Library. Others may access the full report on-line through the website of the Office of Policy and Legal Analysis at www.legislature.maine.gov/opla.

Sincerely,

S/Sen. Justin L. Alfond, Chair

S/Rep. Victoria P. Kornfield, Chair

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

The Following Communication: S.C. 32

STATE OF MAINE
MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY

January 13, 2015

Honorable Michael D. Thibodeau
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

Dear President Thibodeau and Speaker Eves:

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

MRRRA 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.

Please contact me if you have any questions or need additional information.

Thank you.

Sincerely,

S/Steven H. Levesque
Executive Director

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

The Following Communication: S.C. 33

**STATE OF MAINE
CONNECTME AUTHORITY
78 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0078**

January 14, 2015

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

Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear Speaker Eves and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the ConnectME Authority due by February 1, 2015.

Please contact me if you have any questions or need additional information.

Thank you.

Sincerely,

S/Phillip Lindley
Executive Director

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

Senate at Ease.

Senate called to order by the President.

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue To Help Small Businesses"

S.P. 37 L.D. 100

Presented by Senator ALFOND of Cumberland.

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

Sent down for concurrence.

Bill "An Act To Increase Funding for Instruction within the University of Maine System"

S.P. 22 L.D. 42

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representatives: DUCHESNE of Hudson, POULIOT of Augusta, WELSH of Rockport.

Resolve, Directing the Department of Education To Amend the School Emergency Drill Rules

S.P. 34 L.D. 97

Presented by Senator LIBBY of Androscoggin.
Cosponsored by Representative FARNSWORTH of Portland and Senators: LANGLEY of Hancock, MILLETT of Cumberland, WOODSOME of York, Representative: MAKER of Calais.

Bill "An Act To Stabilize the Faculty and Programs at the University of Southern Maine" (EMERGENCY)

S.P. 36 L.D. 99

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative MORRISON of South Portland and Senators: BREEN of Cumberland, HASKELL of Cumberland, MILLETT of Cumberland, Representatives: CHIPMAN of Portland, FARNSWORTH of Portland, JORGENSEN of Portland, STUCKEY of Portland.

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

Sent down for concurrence.

Bill "An Act To Protect Maine's Great Ponds"

S.P. 20 L.D. 40

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senators: DAVIS of Piscataquis, LANGLEY of Hancock, Representative: DUCHESNE of Hudson.

Bill "An Act To Prohibit Synthetic Plastic Microbeads in Personal Care Products and Over-the-counter Drugs"

S.P. 33 L.D. 85

Presented by Senator SAVIELLO of Franklin.

Cosponsored by Representative WELSH of Rockport and Senators: DAVIS of Piscataquis, HAMPER of Oxford, MIRAMANT of Knox, Representatives: DUCHESNE of Hudson, POULIOT of Augusta, TEPLER of Topsham.

Bill "An Act To Enhance the Competitiveness of Maine's Biomass Facilities by Exempting from Waste Handling Fees Certain Construction and Demolition Debris"

S.P. 42 L.D. 105

Presented by Senator LIBBY of Androscoggin.

Cosponsored by Representative HARLOW of Portland and Senator: BRAKEY of Androscoggin, Representatives: BUCKLAND of Farmington, GILBERT of Jay, GOLDEN of Lewiston, LAJOIE of Lewiston, ROTUNDO of Lewiston.

On motion by Senator SAVIELLO of Franklin, REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Resolve, To Strengthen Health Care Services for Maine Residents Affected by Neurodegenerative Diseases

S.P. 23 L.D. 75

Presented by Senator GRATWICK of Penobscot.

Cosponsored by Representative HYMANSON of York and Senators: DILL of Penobscot, HASKELL of Cumberland, MIRAMANT of Knox, WHITEMORE of Somerset, Representatives: BROOKS of Lewiston, COOPER of Yarmouth, JORGENSEN of Portland, RYKERSON of Kittery.

Bill "An Act Concerning Screening of Newborns for Lysosomal Storage Disorders"

S.P. 32 L.D. 84

Presented by Senator HASKELL of Cumberland.

Cosponsored by Representatives: BUCKLAND of Farmington, NADEAU of Winslow, Representative HERBIG of Belfast and Senators: BRAKEY of Androscoggin, CUSHING of Penobscot, DIAMOND of Cumberland, GRATWICK of Penobscot, JOHNSON of Lincoln, MILLETT of Cumberland.

Bill "An Act To Strengthen and Reform Maine's Welfare System"

S.P. 38 L.D. 101

Presented by Senator ALFOND of Cumberland.

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

Sent down for concurrence.

Bill "An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons"

S.P. 31 L.D. 83

Presented by Senator DAVIS of Piscataquis.

Cosponsored by Representative NADEAU of Winslow and Senators: BRAKEY of Androscoggin, BURNS of Washington, President THIBODEAU of Waldo, Representatives: ESPLING of New Gloucester, REED of Carmel, SHORT of Pittsfield, SIROCKI of Scarborough, STANLEY of Medway.

On motion by Senator BURNS of Washington, REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Raise the Minimum Wage"

S.P. 25 L.D. 77

Presented by Senator MIRAMANT of Knox.

Cosponsored by Representative EVANGELOS of Friendship and Senators: ALFOND of Cumberland, DUTREMBLE of York, GRATWICK of Penobscot, HILL of York, JOHNSON of Lincoln, Representative: CAMPBELL of Newfield.

Bill "An Act To Amend the Workers' Compensation Laws as They Pertain to Employee Representation"

S.P. 29 L.D. 81

Presented by Senator PATRICK of Oxford.

Cosponsored by Representative TUCKER of Brunswick and Senators: ALFOND of Cumberland, DUTREMBLE of York, GERZOFISKY of Cumberland, Representatives: BRYANT of Windham, DeCHANT of Bath, MARTIN of Eagle Lake, MASTRACCIO of Sanford, PETERSON of Rumford.

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

Sent down for concurrence.

Bill "An Act To Recruit New Businesses to Maine by Providing Energy Efficiency Assistance"

S.P. 40 L.D. 103

Presented by Senator HILL of York.

Cosponsored by Senators: ALFOND of Cumberland, JOHNSON of Lincoln.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

On motion by Senator VOLK of Cumberland, TABLED until Later in Today's Session, pending REFERENCE.

Bill "An Act Amending the Trap Limit for the Swans Island Lobster Conservation Area" (EMERGENCY)

S.P. 35 L.D. 98

Presented by Senator LANGLEY of Hancock.
Cosponsored by Representative KUMIEGA of Deer Isle and
Representatives: CHAPMAN of Brooksville, HUBBELL of Bar
Harbor, MALABY of Hancock.

On motion by Senator **BAKER** of Sagadahoc, **REFERRED** to the
Committee on **MARINE RESOURCES** and ordered printed.

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Lower the Age Requirement To Run for Legislative
Office

S.P. 28 L.D. 80

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representatives: CHENETTE of Saco,
RUSSELL of Portland.

Bill "An Act Concerning the Salary of Elected Sheriffs"
S.P. 30 L.D. 82

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Senator: CYRWAY of Kennebec,
Representative: DION of Portland.

RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Increase the Length of Terms of Senators to 4 Years
S.P. 43 L.D. 106

Presented by Senator DUTREMBLE of York.
Cosponsored by Representative FOWLE of Vassalboro and
Senators: COLLINS of York, LANGLEY of Hancock, MILLETT of
Cumberland, PATRICK of Oxford, VALENTINO of York.

Bill "An Act To Recognize the Labrador Retriever as the Official
State Dog"

S.P. 44 L.D. 107

Presented by Senator DUTREMBLE of York. (BY REQUEST)

On motion by Senator **WILLETTE** of Aroostook, **REFERRED** to
the Committee on **STATE AND LOCAL GOVERNMENT** and
ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Property Tax Fairness Credit"
S.P. 24 L.D. 76

Presented by Senator LIBBY of Androscoggin.
Cosponsored by Representative STUCKEY of Portland and
Representatives: BLUME of York, BROOKS of Lewiston,
GOLDEN of Lewiston, MELARAGNO of Auburn, ROTUNDO of
Lewiston.

Bill "An Act To Provide a Sales Tax Trade-in Credit for Core
Parts"

S.P. 27 L.D. 79

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative COREY of Windham and
Representative: BRYANT of Windham.

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

Sent down for concurrence.

Bill "An Act To Require the Inspection of Certain Vehicles Used
To Transport Members of the General Public"
S.P. 21 L.D. 41

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senator: LANGLEY of Hancock,
Representatives: DUCHESNE of Hudson, POULIOT of Augusta,
WELSH of Rockport.

Bill "An Act Regarding Limitations on Certain Storm Water Fees"
S.P. 26 L.D. 78

Presented by Senator LIBBY of Androscoggin.
Cosponsored by Representative LAJOIE of Lewiston and
Senators: COLLINS of York, DIAMOND of Cumberland, ROSEN
of Hancock, Representatives: BROOKS of Lewiston, GOLDEN of
Lewiston, McLEAN of Gorham, ROTUNDO of Lewiston, VEROW
of Brewer.

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

Sent down for concurrence.

Bill "An Act To Strengthen the Craft Beer Industry"
S.P. 39 L.D. 102

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative SCHNECK of Bangor and
Senators: CYRWAY of Kennebec, DILL of Penobscot, JOHNSON
of Lincoln, LIBBY of Androscoggin, MILLETT of Cumberland,
SAVIELLO of Franklin, VALENTINO of York, Representative:
JORGENSEN of Portland.

Bill "An Act To Increase Gaming Opportunities for Charitable Veterans' Organizations"

S.P. 41 L.D. 104

Presented by Senator PATRICK of Oxford.

Cosponsored by Representative SAUCIER of Presque Isle and Senator: GERZOFKY of Cumberland, Representatives: FOWLE of Vassalboro, HOGAN of Old Orchard Beach, KINNEY of Limington, PETERSON of Rumford, RUSSELL of Portland.

On motion by Senator CYRWAY of Kennebec, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Off Record Remarks

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

Off Record Remarks

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

On motion by Senator HASKELL of Cumberland, **ADJOURNED** until Thursday, January 22, 2015, at 10:00 in the morning, in memory of and lasting tribute to the Honorable Joseph C. Brannigan, Jr. of Portland.