

# 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 22, 2015

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

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Prayer by Senator Rodney L. Whittemore of Somerset County.

**SENATOR WHITTEMORE:** Good morning, Mr. President. Fellow Senators, ladies and gentlemen, I invite you to pray with me this morning. Dear Lord, we have come together today as legislators who will be making decisions that will affect the people of our state. As individuals, we ask Your guidance, that we shall do Your will as we move forward in this legislative process. Bless us all with the moral judgement necessary to what is right for all the citizens of our state. Lord, we thank You for all Your blessings, especially Jesus, and all the freedoms that we so often take for granted. Now more than ever, Lord, we need Your blessings and guidance to help the Senate Body work together and make the right decisions for the people that we serve. For this we pray. Amen.

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Pledge of Allegiance led by Senator Anne M. Haskell of  
Cumberland County.

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Reading of the Journal of Tuesday, January 20, 2015.

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Doctor of the day, Sydney Sewall, MD, MPH of Hallowell.

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Off Record Remarks

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Out of order and under suspension of the Rules, on motion by  
Senator **MASON** of Androscoggin, the following Joint Order:  
S.P. 56

Ordered, the House concurring, that when the Senate and House  
adjourn, they do so until Tuesday, January 27, 2015 at 10:00 in  
the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Authorize a General Fund Bond Issue To Attract  
Business by Investing in High-speed Broadband Infrastructure"  
H.P. 62 L.D. 88

Bill "An Act To Improve Retirement Security for Retired Public  
Employees" (EMERGENCY)  
H.P. 69 L.D. 86

Come 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.

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Bill "An Act To Require Drug Testing of the Driver of a Motor  
Vehicle Involved in a Fatal Accident"  
H.P. 63 L.D. 69

Comes 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.

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Bill "An Act To Assist Towns in Eradicating Milfoil and Other  
Invasive Aquatic Plants and Nuisance Species" (EMERGENCY)  
H.P. 64 L.D. 70

Comes from the House, **REFERRED** to the Committee on  
**ENVIRONMENT AND NATURAL RESOURCES** and ordered  
printed.

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

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Resolve, To Implement the Recommendations of the Commission  
To Continue the Study of Long-term Care Facilities  
(EMERGENCY)

H.P. 70 L.D. 87

Resolve, To Ensure Appropriate Personal Needs Allowances for  
Persons Residing in Long-term Care Facilities (EMERGENCY)  
H.P. 73 L.D. 90

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.

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Bill "An Act To Authorize Snowmobile Registration Reciprocity with the Provinces of New Brunswick and Quebec"  
H.P. 71 L.D. 88

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

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Bill "An Act To Amend the Laws Governing Service of Process in Eviction Actions"

H.P. 65 L.D. 71

Comes 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.

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Bill "An Act To Increase the Minimum Wage"  
H.P. 66 L.D. 72

Bill "An Act To Allow Dental Hygienists To Prescribe Fluoride Dentifrice and Antibacterial Rinse"  
H.P. 74 L.D. 91

Bill "An Act To Increase the Minimum Wage to \$8.00 per Hour"  
H.P. 75 L.D. 92

Bill "An Act To Allow the Town of Berwick To Be Eligible for Full Pine Tree Development Zone Benefits"  
H.P. 76 L.D. 93

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.

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Bill "An Act To Base the Excise Tax Imposed on the Purchase of a Motor Vehicle on the Price Paid"  
H.P. 77 L.D. 94

Bill "An Act To Provide Income Tax Relief"  
H.P. 78 L.D. 95

Bill "An Act To Increase the State Earned Income Credit"  
H.P. 79 L.D. 96

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.

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Bill "An Act To Increase Weight Allowances for Farm Trucks"  
H.P. 67 L.D. 73

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.

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Resolve, To Establish a Task Force To Ensure Equity in the Benefits Provided to Military Service Members  
H.P. 68 L.D. 74

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.

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#### COMMUNICATIONS

The Following Communication: S.C. 34

STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT

January 20, 2015

Honorable Heather J.R. Priest  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary Priest,

Pursuant to my authority under Title 17-A MRSA, §1353, I am pleased to appoint Senator Kimberley Rosen of Hancock to the Criminal Law Advisory Commission, as a member of the Senate. With this appointment Senator Rosen will be replacing Senator Stan Gerzofsky.

Please contact my office if you have any questions regarding this appointment.

Sincerely,

S/Michael D. Thibodeau  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 35

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT**

January 20, 2015

Honorable Heather J.R. Priest  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary Priest:

Pursuant to my authority under Title 1, MRSA, Chapter 13, Section 411, I am pleased to appoint Senator David Burns of Washington to the Right to Know Advisory Committee. With this appointment Senator Burns will be replacing Senator Linda Valentino.

If you have any questions regarding this appointment please do not hesitate to contact my office.

Sincerely,

S/Michael D. Thibodeau  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 36

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT**

January 20, 2015

Honorable Heather J. R. Priest  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary Priest,

Pursuant to my authority under Title 7, MRSA, Chapter 5, Section 125, I am pleased to appoint Senator Peter E. Edgcomb of Aroostook to the Board of Agriculture, representing a Senator serving on the Joint Standing Committee on Agriculture, Conservation and Forestry Committee. With this appointment Senator Edgcomb will replace former Senator James Boyle.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael D. Thibodeau  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 37

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

January 16, 2015

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

Dear President Thibodeau:

This is to inform you that I am today nominating Dr. Joseph R. Fitzpatrick of North Yarmouth for appointment as Commissioner to the Department of Corrections.

Pursuant to Title 34-A MRSA §1401, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Criminal Justice and Public Safety.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 38

**STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

January 16, 2015

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

Dear President Thibodeau:

This is to inform you that I am today nominating the Honorable Richard W. Rosen of Bucksport for appointment as Commissioner to the Department of Administrative and Financial Services.

Pursuant to Title 5 MRSA §281, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Appropriations and Financial Affairs.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 39

**MAINE MUNICIPAL AND RURAL ELECTRIFICATION  
COOPERATIVE AGENCY**

January 14, 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:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Municipal and Rural Electrification Cooperative Agency due by February 1, 2015.

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

Thank you.

Sincerely,

S/Scott M. Hallowell  
MMRECA

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

The Following Communication: S.C. 40

**MAINE STATE LEGISLATURE  
OFFICE OF PROGRAM EVALUATION AND  
GOVERNMENT ACCOUNTABILITY**

January 15, 2015

The Honorable Roger J. Katz, Senate Chair  
The Honorable Chuck Kruger, House Chair  
And Members of the Government Oversight Committee  
82 State House Station  
Augusta, Maine 04333

The Honorable Michael D. Thibodeau, President of the Senate  
and Members of the 127<sup>th</sup> Maine Senate  
3 State House Station  
Augusta, Maine 04333

The Honorable Mark W. Eves, Speaker of the House  
and Members of the 127<sup>th</sup> Maine House of Representatives  
2 State House Station  
Augusta, Maine 04333

Dear Government Oversight Committee Members, Senators and  
Representatives:

In accordance with 3 MRSA §995.4, I respectfully submit OPEGA's Annual Report on Activities and Performance for 2014. OPEGA's service to the Legislature as a non-partisan resource is meant to provide support in overseeing and improving the performance of State government. As OPEGA begins its 11<sup>th</sup> year of service to the Legislature, I hope that you and Maine's citizens will continue to view our efforts and results as a worthwhile use of taxpayer dollars.

Sincerely,

S/Beth L. Ashcroft  
Director

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

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Senate at Ease.

Senate called to order by the President.

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

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**SENATE PAPERS**

Bill "An Act To Allow for the Cultivation of Hemp"

S.P. 52 L.D. 119

Presented by Senator MIRAMANT of Knox.

Cosponsored by Representative SANDERSON of Chelsea and Senators: DILL of Penobscot, SAVIELLO of Franklin, Representatives: BRYANT of Windham, COREY of Windham, EVANGELOS of Friendship, MOONEN of Portland, SHERMAN of Hodgdon, SUKEFORTH of Appleton.

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

Sent down for concurrence.

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Bill "An Act To Reduce the Penalties for Certain Drug Offenses"

S.P. 46 L.D. 113

Presented by Senator KATZ of Kennebec.

Cosponsored by Representative DION of Portland and Senators: BRAKEY of Androscoggin, HILL of York, VOLK of Cumberland, Representative: BLACK of Wilton.

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

Sent down for concurrence.

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Bill "An Act To Reduce Youth Cancer Risk"

S.P. 57 L.D. 123

Presented by Senator GRATWICK of Penobscot.

Cosponsored by Representative SANBORN of Gorham and Senator: DILL of Penobscot, Representatives: BECK of Waterville, CHAPMAN of Brooksville, FARNSWORTH of Portland, HARLOW of Portland, KORNFIELD of Bangor, MELARAGNO of Auburn, STUCKEY of Portland.

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

Sent down for concurrence.

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Bill "An Act To Require Payment by a Carrier for Health Care Services Provided to Enrollees of the Carrier"

S.P. 58 L.D. 124

Presented by Senator GRATWICK of Penobscot.

Cosponsored by Representative SANBORN of Gorham and Senators: DIAMOND of Cumberland, DILL of Penobscot, LIBBY of Androscoggin, MIRAMANT of Knox, ROSEN of Hancock, Representatives: BECK of Waterville, FARNSWORTH of Portland, HUBBELL of Bar Harbor.

On motion by Senator **WHITEMORE** of Somerset, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

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Bill "An Act To Require the Prevailing Wage To Be Paid on All Public Works Projects for Which State Funding Is Used"

S.P. 50 L.D. 117

Presented by Senator PATRICK of Oxford.

Cosponsored by Representative DeCHANT of Bath and Senators: DUTREMBLE of York, GERZOFKY of Cumberland, LIBBY of Androscoggin, Representatives: DOORE of Augusta, GILBERT of Jay, HAMANN of South Portland, HERBIG of Belfast, PETERSON of Rumford.

Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Certain Mechanical Trades

S.P. 54 L.D. 121

Presented by Senator PATRICK of Oxford.

Cosponsored by Representative DeCHANT of Bath, Representative HERBIG of Belfast and Senators: DUTREMBLE of York, GERZOFKY of Cumberland, LIBBY of Androscoggin, Representatives: DOORE of Augusta, GILBERT of Jay, HAMANN of South Portland, PETERSON of Rumford, TUCKER of Brunswick.

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.

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Bill "An Act Extending Workers' Compensation Benefits to Certain Employees of the Office of the State Fire Marshal Who Contract Cancer"

S.P. 59 L.D. 125

Presented by Senator DIAMOND of Cumberland.

Cosponsored by Representative MAREAN of Hollis and Senators: BAKER of Sagadahoc, DUTREMBLE of York, GERZOFKY of Cumberland, MILLETT of Cumberland, ROSEN of Hancock, Representatives: LONG of Sherman, POWERS of Naples.

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**.

Resolve, Authorizing the Bureau of General Services To Sell  
Certain Property to Kennebec County

S.P. 47 L.D. 114

Presented by Senator KATZ of Kennebec.  
Cosponsored by Representative POULIOT of Augusta and  
Representatives: DOORE of Augusta, FOWLE of Vassalboro.

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

Sent down for concurrence.

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Bill "An Act To Expand the Use of Tax Increment Financing  
Revenue"

S.P. 49 L.D. 116

Presented by Senator CYRWAY of Kennebec.  
Cosponsored by Representative LUCHINI of Ellsworth and  
Senators: BAKER of Sagadahoc, BRAKEY of Androscoggin,  
BURNS of Washington, SAVIELLO of Franklin, WOODSOME of  
York, Representatives: HUBBELL of Bar Harbor, LONGSTAFF of  
Waterville, SANDERSON of Chelsea.

Bill "An Act To Authorize Municipalities To Refund Amounts  
Collected in Excess of Tax Liens" (EMERGENCY)

S.P. 51 L.D. 118

Presented by Senator McCORMICK of Kennebec.

Bill "An Act To Provide a Tax Credit to Maine Residents for  
Turnpike Tolls"

S.P. 53 L.D. 120

Presented by Senator BRAKEY of Androscoggin.  
Cosponsored by Senator: LIBBY of Androscoggin,  
Representatives: DILLINGHAM of Oxford, GOLDEN of Lewiston,  
GREENWOOD of Wales, LAJOIE of Lewiston, O'CONNOR of  
Berwick.

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

Sent down for concurrence.

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Bill "An Act To Eliminate the Requirement That Adults Wear Seat  
Belts"

S.P. 45 L.D. 112

Presented by Senator BRAKEY of Androscoggin.  
Cosponsored by Senator: COLLINS of York, Representatives:  
O'CONNOR of Berwick, WARREN of Hallowell.

Resolve, To Name Interstate 295 from Scarborough to West  
Gardiner the Richard A. Coleman Highway

S.P. 48 L.D. 115

Presented by Senator KATZ of Kennebec.  
Cosponsored by Representative POULIOT of Augusta and  
Representatives: DOORE of Augusta, FOWLE of Vassalboro.

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

Sent down for concurrence.

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Bill "An Act To Standardize Pints of Beer Sold in Maine"  
S.P. 55 L.D. 122

Presented by Senator PATRICK of Oxford.  
Cosponsored by Representative GOODE of Bangor and  
Senators: ALFOND of Cumberland, CYRWAY of Kennebec, DILL  
of Penobscot, MILLETT of Cumberland, Representatives:  
CHIPMAN of Portland, FOWLE of Vassalboro, MASTRACCIO of  
Sanford, 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.

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

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## 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 (1/13/15) matter:

Bill "An Act To Retain Call Centers in Maine"  
H.P. 12 L.D. 9

Tabled - January 13, 2015, by Senator **VOLK** of Cumberland

Pending - **REFERENCE**

(In House, January 8, 2015, **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.

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Off Record Remarks

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

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On motion by Senator **MASON** of Androscoggin, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 27, 2015, at 10:00 in the morning.