

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
March 17, 2015

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

Prayer by Reverend Rick Stoops, First United Pentecostal Church
in Augusta.

REVEREND STOOPS: Holy Father, we come to You this morning thanking You for Your goodness and Your mercy on all Your people here in the State of Maine. We thank You for Your blessings and we know that all we have and all that we can do is through Your spirit and through Your power and thank You, Lord, for these Senators and their families who give of themselves and of their time. We ask that Your blessings would be upon them. Lead us through this day. Guide us, I pray. Let the blessings of the Lord continue to be upon us. We pray all these things in the name of Jesus. Amen.

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

Reading of the Journal of Thursday, March 12, 2015.

Doctor of the Day, Senator Geoffrey Gratwick, MD of Penobscot
County

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator LANGLEY for the Committee on **EDUCATION AND
CULTURAL AFFAIRS** on Bill "An Act Regarding Educator
Effectiveness" (EMERGENCY)

S.P. 250 L.D. 692

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (S-3).**

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

READ ONCE.

Committee Amendment "A" (S-3) **READ** and **ADOPTED**.

Under suspension of the Rules, **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.

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Enhance Equity and Efficiency for Off-track Betting
Facilities"

H.P. 572 L.D. 838

Committee on **VETERANS AND LEGAL AFFAIRS** suggested
and ordered printed.

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

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

Sent down for concurrence.

Joint Order

The following Joint Order:

H.P. 585

ORDERED, the Senate concurring, that the Joint Standing
Committee on Insurance and Financial Services shall report out,
to the House, a bill relating to the Maine Quality Forum.

Comes from the House, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

Joint Resolutions

The following Joint Resolution:

H.P. 590

**JOINT RESOLUTION
RECOGNIZING ACCESS TO JUSTICE DAY
PRESENTED BY MAINE'S JUSTICE ACTION GROUP**

WHEREAS, 2015 marks the 20th anniversary of Maine's Justice Action Group, a judge-led coalition of leaders from Maine's legal community who are passionate about helping all Maine people have access to civil justice; and

WHEREAS, the coalition members include representatives of the state and federal judiciary, the Legislature, nonprofit civil legal aid providers, the University of Maine School of Law, the Maine Bar Foundation, the Maine State Bar Association, the Maine Trial Lawyers Association, private practice attorneys and others; and

WHEREAS, key initiator Judge Frank Coffin described the Justice Action Group as a catalyst, something introduced in small quantities that produces great change, and the Justice Action Group has been an advocate for equal access to justice since 1995; and

WHEREAS, equal access to justice is a bedrock principle of a free, constitutional society, but no system of laws and constitutional protections can be effective if only those who can afford a private practice attorney have access to justice; and

WHEREAS, providing equal access to justice has tangible, widespread benefits for Maine's families, children, schools, communities, businesses, charities and government; and

WHEREAS, legal issues profoundly affect basic human needs such as shelter, sustenance, safety from violence, health and child protection; and

WHEREAS, the need for civil legal aid and pro bono representation for low-income and vulnerable Maine people remains acute; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause on this 2015 Access to Justice Day to acknowledge and express our appreciation and strong support for Maine's civil legal aid providers and private practice attorneys who provide pro bono services for those otherwise unable to afford legal representation; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Justice Action Group.

Comes from the House, **READ and ADOPTED.**

READ and ADOPTED, in concurrence.

The following Joint Resolution:

H.P. 630

**JOINT RESOLUTION
COMMENDING THE EFFORTS OF THE PARTIES
TO ADVANCE CHANGES IN PRIMARY CARE PAYMENT
TO PROMOTE BETTER PRIMARY CARE FOR ALL MAINE**

WHEREAS, it is recognized that primary care providers in this country serve as a critical component of the health care system and a fundamental element in efforts to promote health care delivery and payment reform; and

WHEREAS, at the same time, there is widespread agreement that payment for primary care services has not kept pace with payment for other specialties, and that current fee-for-service payment systems undervalue the benefits of primary care services; and

WHEREAS, prominent physician organizations, including the American College of Physicians, American Academy of Family Physicians and American Academy of Pediatrics and the Maine affiliates of these national organizations, together with the Maine Medical Association, Maine Osteopathic Association, Maine Primary Care Association, Maine Association of Nurse Practitioners and Maine Association of Physician Assistants, recognize that patient care can be improved through a patient-centered practice model called the patient-centered medical home, or PCMH, model; and

WHEREAS, the medical home concept has been adopted by key stakeholders in Maine and is grounded in a set of patient-centered, physician-guided principles that promote an ongoing relationship between a patient and a health care provider trained to provide first contact, continuous and comprehensive care and who leads a team of individuals at the practice level who collectively take responsibility for the ongoing care of patients, including care for all stages of life, acute care, chronic care, preventive services and end-of-life care and coordination of care across settings, and promotes enhanced access to care through systems such as open scheduling, expanded hours and new options for communication between patients and their primary health care team; and

WHEREAS, the Maine Quality Forum, Maine Quality Counts, Maine Health Management Coalition and MaineCare convened the multi-payer Maine PCMH Pilot, which was launched in 2009 and expanded in 2012 to include additional practices and to bring in Medicare as a payer through the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services Multi-payer Advanced Primary Care Practice, MAPCP, demonstration, now involving 75 primary care practices and 10 Community Care Teams from across the State; and

WHEREAS, MaineCare has developed its Health Homes initiative, which includes over 200 primary care practices, in alignment with PCMH principles; and

WHEREAS, those 200 primary care practices have now committed to implementing the PCMH model to improve care for their patients; and

WHEREAS, primary care providers involved in these efforts have committed hundreds of hours to implementing the PCMH model with the goals of improving patient experience of care,

improving the quality of health care and health for their patients and controlling health care costs; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the dedication, commitment and efforts of the 200 or more primary care practices involved in the Maine PCMH Pilot, MAPCP demonstration and MaineCare Health Homes initiative and commend these providers for implementing the PCMH model as a means to improve the health care of all Maine citizens; and be it further

RESOLVED: That the State continue its efforts to promote improvements in primary care delivery and payment and commit to identifying additional multi-payer models for primary care payment that move beyond current fee-for-service payment models and expand the PCMH Pilot to better support and provide the necessary resources for all primary care providers in the State to implement the principle of patient-centered, high-value care.

Comes from the House, **READ** and **ADOPTED**.

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 126

STATE OF MAINE ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE COMMITTEE ON JUDICIARY

March 12, 2015

The Honorable Michael D. Thibodeau
President of the Senate of Maine
127th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Mary Michaela Murphy of Rome, for reappointment as a Superior Court Justice.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Burns of Washington, Johnson of Lincoln, Volk of Cumberland
------	----------	---	---

Representatives	8	Hobbins of Saco, Evangelos of Friendship, Ginzler of Bridgton, Herrick of Paris, McCreight of Harpswell, Monaghan of Cape Elizabeth, Moonen of Portland, Sherman of Hodgdon
-----------------	---	---

NAYS 0

ABSENT 2 Rep. Guerin of Glenburn,
Rep. Warren of Hallowell

Rep. Mitchell of Penobscot Nation was absent.

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Honorable Mary Michaela Murphy of Rome, for reappointment as a Superior Court Justice be confirmed.

Signed,

S/David C. Burns
Senate Chair

S/Barry J. Hobbins
House Chair

READ and **ORDERED PLACED ON FILE**.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to briefly speak to this item, 2-1, on the proposed nomination of Justice M. Michaela Murphy. It's my pleasure on behalf of the Judiciary Committee to bring forth this nomination to you today. Very impressive candidate. This will be the second term for Justice Murphy on the Superior Court. One of her fortes, expertise, is she serves also on the Business and Consumer Docket five months out of the year down in Portland, which is a very unique expertise the Justice has. I have a very, very thick folder here on my desk of recommendations. She comes highly recommended and I hope you'll confirm her today. Thank you.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 127th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#10)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Mary Michaela Murphy** of Rome for reappointment as a Superior Court Justice was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 125

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 12, 2015

The Honorable Michael D. Thibodeau
President of the Senate of Maine
127th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Ellen A. Gorman of Falmouth, for reappointment as a Supreme Judicial Court Justice.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Burns of Washington, Johnson of Lincoln, Volk of Cumberland
	Representatives	8	Hobbins of Saco, Evangelos of Friendship, Ginzler of Bridgton, Herrick of Paris, McCreight of Harpswell, Monaghan of Cape Elizabeth, Moonen of Portland, Sherman of Hodgdon

NAYS 0

ABSENT 2 Rep. Guerin of Glenburn,
Rep. Warren of Hallowell

Rep. Mitchell of Penobscot Nation was absent.

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Honorable Ellen A. Gorman of Falmouth, for reappointment as a Supreme Judicial Court Justice be confirmed.

Signed,

S/David C. Burns
Senate Chair

S/Barry J. Hobbins
House Chair

READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I think I ought to take this opportunity once again. Justice Gorman is a 25 year Judge and this will be her reappointment to the Maine Law Court as an Associate Justice. She had very good testimony in support of her. We think, once again, that the Governor has made a good nomination and, again, I would ask for your support on this. Thank you.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 127th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#11)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Ellen A. Gorman** of Falmouth for reappointment as a Supreme Judicial Court Justice was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

Thirteen members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Brian Whitney of Augusta, for appointment as the Maine Technology Institute Director be confirmed.

Signed,

S/Amy F. Volk
Senate Chair

S/Erin D. Herbig
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 132

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

March 16, 2015

The Honorable Michael D. Thibodeau
President of the Senate of Maine
127th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Brian Whitney of Augusta, for appointment as the Maine Technology Institute Director.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Volk of Cumberland, Cushing of Penobscot, Patrick of Oxford
	Representatives	10	Herbig of Belfast, Austin of Gray, Bates of Westbrook, Campbell of Newfield, Fecteau of Biddeford, Gilbert of Jay, Lockman of Amherst, Mastraccio of Sanford, Stetkis of Canaan, Ward of Dedham
NAYS		0	
ABSENT		0	

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to speak a moment on Brian Whitney and his nomination for appointment to the Maine Technology Institute as the Director. Brian is a native Mainer who actually grew up here in Augusta, graduated from Cony High School, which I've learned is an esteemed and coveted degree, apparently. He went to school here in Maine and has had a wonderful career working for Senator Collins, as well as the Senate Office. At yesterday's hearing on his nomination somebody, afterwards, remarked, and this is someone who has sat through numerous confirmation hearings, she said, "I've never heard so many positive testimonials about somebody, but if there weren't so many I would have gotten up myself because he's such a wonderful person and such an asset to our state." We were very, very pleased in the Labor, Commerce, Research and Economic Development Committee to unanimously support Mr. Whitney's nomination and look forward to having that go through the Senate.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I, too, rise in support of this nomination. When you have someone who has been in this Body, in the Senate, working as a staffer, as Chief of Staff, for 10 years, someone who worked with Senator Snowe as a key economic development advisor, someone who has worked in the Department of Economic and Community Development in leadership positions, someone who has already served as Acting Director of the Maine Technology Institute, and, as Senator Volk pointed out, perhaps most importantly he's someone who is a possessor of that esteemed Cony High School diploma, something so unique that actually no United States President has even been able to claim that. You know that this is a great nominee for Director. I've known Brian Whitney for over 30 years here in the Augusta community. I've actually watched him grow up from a young kid to the person that he is today. He's a community leader. He and his wife, Stephanie, live here and raised a wonderful family in Augusta. It's my pleasure to be able to rise in support of this nomination. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, rise in support of Brian Whitney. I would say that my years in the Legislature, he's probably the best candidate that I've ever had to sit through a confirmation hearing with. Probably the only negative thing that I would say is he's such a great candidate that the hearing actually took about 50 minutes of having so many people say so many good things about Mr. Whitney. I was pleased to sit through the hearing, to find out what a great person he is; the skill, the knowledge, and the understanding of everything that he possesses. I am pleased to say that I supported his nomination and hope everyone else does. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gerzofsky.

Senator **GERZOFSKY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I would also like to get up in strong support of Brian Whitney for this appointment. We've been working together since about 2005 when the United States Navy decided they were going to close the Brunswick Naval Air Station. Brian was absolutely a key player that really made things happen. He was with Senator Snowe's office. Every meeting he attended. Every meeting he had something to bring forward that helped us in our joint effort of trying to create the best redeveloped base in the country. With his strong help, that's what we did. I can't compliment him enough, for those years were pretty trying and it was pretty dismal sometimes to try to get rid of that black cloud that was going to be over Maine and instead come up with some nice sunny skies and created jobs and some businesses on the base. It was to his credit that a lot of the stuff that we needed for tools from the federal government happened. He was able to go to the Senator and explain our plight in very good ways. In his years with the Department of Economic Development, I worked with him on several projects. Again, he's brought the highest standards to the job. I can't give enough support for this nominee because he has earned it. Thank you, Mr. President.

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

Senator **CUSHING**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, rise today to voice my support for this nominee. After so many of my colleagues have shared with you the tremendous attributes and skill sets that Mr. Whitney brings to it, I can only echo that. Personally, I've known Brian for close to 15 years now. In all of that time my interaction with him has always been very positive, even when we've been dealing with some stressful issues. He has always brought a calm and reasonable intellect and perspective to the issue. He's proven to be willing to step up consistently and help wherever his time and talents could be of use to the State of Maine and I really appreciate the fact that he and his family are allowing him to continue in this level of government service because he's of a talent and a skillset that I think would be very much sought after in the private sector. Thank you for the opportunity to rise and voice my support for this nomination.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 127th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#12)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFSKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Brian Whitney** of Augusta for appointment as the Maine Technology Institute Director was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber graduate from Cony High School Brian Whitney and his wife, Stephanie. Would they please rise and accept the greetings of the Senate.

Off Record Remarks

The Following Communication: S.C. 127

STATE OF MAINE 127TH LEGISLATURE OFFICE OF THE GOVERNOR

March 13, 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 Honorable Lloyd P. LaFountain, III of Biddeford for reappointment as the Superintendent of the Maine Bureau of Financial Institutions.

Pursuant to Title 9-B, MRSA §211, this reappointment if contingent on the Maine Senate Confirmation after review by the Joint Standing Committee on Insurance and Financial Services.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 128

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

March 13, 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 William N. Lund of Portland for reappointment as the Superintendent of the Bureau of Consumer Credit Protection.

Pursuant to Title 9-A, MRSA §6-103, this reappointment if contingent on the Maine Senate Confirmation after review by the Joint Standing Committee on Insurance and Financial Services.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 129

**STATE OF MAINE
127TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

March 17, 2015

Honorable Heather Priest
Secretary of the Senate
#3 State House Station
Augusta, ME 04333-0003

Dear Secretary Priest:

Pursuant to my authority under House Rule 201.1 (l) (a), I rescind the appointment of Representative Catherine Nadeau of Winslow as a member of the Joint Standing Committee on State and Local Government effective immediately.

Furthermore, pursuant to my authority under House Rule 201.1 (l) (a), I have appointed Representative Pinny Beebe-Center of Rockland as a member of the Joint Standing Committee on State and Local Government effective immediately.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 131

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

March 12, 2015

Honorable Michael D. Thibodeau, Senate President
Honorable Mark W. Eves, Speaker of the House
127th Maine Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Daughtry of Brunswick, to report the following bill Leave to Withdraw:

L.D. 717 An Act To Establish the Maine Paid Family
Leave Insurance Program

Sincerely,

S/Senator Amy F. Volk
Senate Chair

S/Representative Erin D. Herbig
House Chair

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

Senate at Ease.

Senate called to order by the President.

ORDERS
Joint Resolution**Joint Resolutions in Memoriam:**

WHEREAS, the Legislature has learned with deep regret of the death of:

Richard John McGee, of Fairfield, a longtime football coach and prominent local citizen. Mr. McGee was born in Providence, Rhode Island. His father, Joe, was the coach of the Providence Steamrollers, a professional football team in the 1930s and 40s. Mr. McGee would travel with his father all around New England, beginning his lifelong love of football. He played for La Salle Academy in Rhode Island, graduating in 1948, and went on to play for the University of Maine. He and his wife, Shirley Harriet Marcia, settled in Fairfield in 1957, where he taught and coached at Lawrence High School. He helped to create the Fairfield Police Athletic League, or P.A.L. program, a recreation program for children, which continues to operate, and served as its director for 54 years, from 1959 to 2013. In 2000 the Town of Fairfield named its new athletic fields the Richard McGee Athletic Complex in recognition of his dedication to the youth of the area. In 1967 he was named head coach of the football team at Colby College, the Mules. He became the college's athletic director in 1974 and became assistant football coach in 1985. He received many awards for his coaching and contributions to the community, including being named Maine High School Coach of the Year and New England College Coach of the year. Mr. McGee will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

SLS 237

Sponsored by Senator CYRWAY of Kennebec.
Cosponsored by Representative: PICCHIOTTI of Fairfield.

READ.

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

Senator CYRWAY: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise before you today to remember Coach Richard John McGee, an influential member of the Fairfield community and our entire region. Coach McGee is a legendary coach in our community, coaching at Lawrence High School and then at Colby College. When Coach McGee began his career he inherited a Lawrence High School team that had a 1 and 26 record the season before. In his first year the Bulldogs, his team, went and won 28 and 1 that season. That impressive turnaround highlights Coach McGee's ability to lead and inspire a team. Later he was an instrumental leader in the Fairfield Police's Athletic League, or PAL Program. He served as the recreation program's Director for 54 years and influenced countless lives while doing so. The program, which is still successfully operating today and serving students from Albion, Benton, Clinton, and Fairfield, honored Coach McGee by naming their athletic fields the Richard McGee Athletic Fields. Richard

McGee was a coach, a mentor, and a philanthropist, but above all a loving father, grandfather, and great-grandfather. He was beloved by all those who played for him and those who had the opportunity to get to know him. He had many qualities. One, he had the language of what he devoted his life to. Two, he has discipline. He had the way to mediate situations. He was giving. He also had the skill of the art of sports. He also had leadership. He had spiritual principles. Last of all, he was loving. I call this Coach McGee as one of life's pieces of masterpieces. His son, Mike McGee, and his family members are here today to accept this memoriam. Mike McGee followed his father's footsteps and became a coach as well, coaching at Lawrence for 31 years. I am honored to present this to his family and to acknowledge our gratitude for their public service to our children and young adults of the state of Maine. Thank you, Mr. President.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Jennifer and Mike McGee, Marcia Goodhue, Kelly McGee, and Rob Irish. They are guests today of the Senator from Kennebec, Senator Cyrway. Would they please rise and accept the condolences of the Maine State Senate.

SENATE PAPERS

Bill "An Act To Clarify Maine's Fertilizer Quality Control Laws"
S.P. 329 L.D. 938

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative HICKMAN of Winthrop and Representatives: BLACK of Wilton, DUNPHY of Old Town, MAREAN of Hollis, NOON of Sanford.
Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Authorize a General Fund Bond Issue for Research and Development for the University of Maine System"
S.P. 322 L.D. 931

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative KORNFIELD of Bangor and Senators: DILL of Penobscot, HASKELL of Cumberland, JOHNSON of Lincoln, LANGLEY of Hancock, MILLETT of Cumberland, MIRAMANT of Knox.

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 Protect Children from Sexual Predators, Sexual Abuse and Sexual Assault"

S.P. 327 L.D. 936

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative MAREAN of Hollis and Senators: GERZOFKY of Cumberland, LIBBY of Androscoggin, Representatives: PETERSON of Rumford, SHAW of Standish.

Bill "An Act To Permit the Use of Firearm Noise Suppression Devices in Hunting and To Provide for a Chief Law Enforcement Officer's Certification for Certain Firearms"

S.P. 333 L.D. 942

Presented by Senator MASON of Androscoggin.
Cosponsored by Representative SHAW of Standish and Senators: COLLINS of York, DAVIS of Piscataquis, WHITTEMORE of Somerset, Representatives: DUNPHY of Embden, ESPLING of New Gloucester, TIMBERLAKE of Turner, WOOD of Sabattus.

Bill "An Act Regarding Recovery of Emergency Response Costs Related to an OUI Offense"

S.P. 335 L.D. 944

Presented by President THIBODEAU of Waldo.
Cosponsored by Representative WALLACE of Dexter and Senators: BAKER of Sagadahoc, DUTREMBLE of York, GERZOFKY of Cumberland, GRATWICK of Penobscot, HAMPER of Oxford, WHITTEMORE of Somerset, Representatives: GILLWAY of Searsport, MAKER of Calais.

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

Sent down for concurrence.

Bill "An Act To Implement the Recommendations of the Task Force To End Student Hunger in Maine" (EMERGENCY)

S.P. 324 L.D. 933

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative HICKMAN of Winthrop and Senators: GERZOFKY of Cumberland, JOHNSON of Lincoln, LANGLEY of Hancock, MILLETT of Cumberland, MIRAMANT of Knox.

Bill "An Act To Increase Transparency in the University of Maine System Regarding Procurement and Administrative Costs"

S.P. 330 L.D. 939

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative BLACK of Wilton and Senators: BURNS of Washington, DAVIS of Piscataquis, Representatives: BUCKLAND of Farmington, HARLOW of Portland.

Bill "An Act To Create Community Schools"

S.P. 336 L.D. 956

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative KORNFIELD of Bangor and Senators: EDGECOMB of Aroostook, LANGLEY of Hancock, Representatives: FARNSWORTH of Portland, HUBBELL of Bar Harbor, MAKER of Calais, PIERCE of Falmouth, POULIOT of Augusta, TIPPING-SPITZ of Orono.

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 Expand Access to Affordable Higher Education and To Strengthen Workforce Development"

S.P. 340 L.D. 968

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative BRYANT of Windham and Senators: BAKER of Sagadahoc, DIAMOND of Cumberland, PATRICK of Oxford, VOLK of Cumberland, Representatives: DAUGHTRY of Brunswick, McCREIGHT of Harpswell, NADEAU of Winslow, PARRY of Arundel.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

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

Resolve, To Require Hospitals To Provide Information to Parents of Infants Regarding Testing for Krabbe Disease

S.P. 331 L.D. 940

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representatives: BLACK of Wilton, BUCKLAND of Farmington, HARLOW of Portland.

Bill "An Act To Preserve Jobs and Primary Care Services in Rural and Underserved Areas of Maine"

S.P. 341 L.D. 969

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative MARTIN of Eagle Lake and Senators: ALFOND of Cumberland, McCORMICK of Kennebec, ROSEN of Hancock, President THIBODEAU of Waldo, WHITTEMORE of Somerset, Representatives: Speaker EVES of North Berwick, GATTINE of Westbrook, MALABY of Hancock.

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

Sent down for concurrence.

Bill "An Act To Amend the Membership of the Maine Outdoor Heritage Fund Board"

S.P. 339 L.D. 959

Presented by Senator LANGLEY of Hancock.
Cosponsored by Representative MAREAN of Hollis and Representatives: BLACK of Wilton, DUNPHY of Old Town, HICKMAN of Winthrop, NOON of Sanford.
Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

On motion by Senator DAVIS of Piscataquis, REFERRED to the Committee on INLAND FISHERIES AND WILDLIFE and ordered printed.

Sent down for concurrence.

Bill "An Act To Provide Access to Infertility Treatment"

S.P. 334 L.D. 943

Presented by Senator MASON of Androscoggin.
Cosponsored by Senators: CUSHING of Penobscot, WHITTEMORE of Somerset, Representative: SHAW of Standish.

Bill "An Act To Amend the Laws Relating to Group Trusts Established by Self-insurers of Workers' Compensation Benefits"
S.P. 338 L.D. 958

Presented by Senator WHITTEMORE of Somerset.
Cosponsored by Representative BECK of Waterville and Representative: MORRISON of South Portland.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act Relative to the Escheat of United States Savings Bonds"

S.P. 320 L.D. 929

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative MAREAN of Hollis and Senators: LANGLEY of Hancock, LIBBY of Androscoggin, SAVIELLO of Franklin, Representative: MOONEN of Portland.

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

Sent down for concurrence.

Bill "An Act Regarding Residential Drinking Water Arsenic Testing"

S.P. 328 L.D. 937

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative BUCKLAND of Farmington and Senators: BURNS of Washington, DAVIS of Piscataquis, DILL of Penobscot, GRATWICK of Penobscot, KATZ of Kennebec, Representatives: BLACK of Wilton, HARLOW of Portland.

Committee on JUDICIARY suggested and ordered printed.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Attorney General, Secretary of State and Treasurer of State

S.P. 337 L.D. 957

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative CHENETTE of Saco and Senators: MASON of Androscoggin, President THIBODEAU of Waldo, WILLETTE of Aroostook, Representatives: ESPLING of New Gloucester, FREDETTE of Newport, HOBBS of Saco.

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 Attract Young Families to Maine and Keep Young Families in Maine by Expanding the Child Care Tax Credit"

S.P. 321 L.D. 930

Presented by Senator ALFOND of Cumberland.
Cosponsored by Representative CHENETTE of Saco and Senators: HASKELL of Cumberland, JOHNSON of Lincoln, LIBBY of Androscoggin, MILLETT of Cumberland, Representative: HICKMAN of Winthrop.

Bill "An Act To Designate a Sales Tax Holiday"

S.P. 323 L.D. 932

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative MAREAN of Hollis and Senators: LANGLEY of Hancock, ROSEN of Hancock, SAVIELLO of Franklin, Representatives: MALABY of Hancock, MOONEN of Portland, TIMBERLAKE of Turner.

Bill "An Act To Create Transparency in Maine's Economic Development Spending"

S.P. 325 L.D. 934

Presented by Senator DILL of Penobscot.

Cosponsored by Representative STANLEY of Medway and Senators: ALFOND of Cumberland, HASKELL of Cumberland, LIBBY of Androscoggin, SAVIELLO of Franklin, Representatives: BLACK of Wilton, MARTIN of Eagle Lake.

Bill "An Act To Improve Tax Expenditure Transparency and Accountability"

S.P. 332 L.D. 941

Presented by Senator DAVIS of Piscataquis.

Cosponsored by Representative ROTUNDO of Lewiston and Senators: HASKELL of Cumberland, KATZ of Kennebec, LIBBY of Androscoggin, McCORMICK of Kennebec, Representatives: BICKFORD of Auburn, GOODE of Bangor, MAREAN of Hollis.

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

Sent down for concurrence.

Bill "An Act Regarding Alcohol Manufacturing Licenses Issued to Research Facilities"

S.P. 326 L.D. 935

Presented by Senator DILL of Penobscot.

Cosponsored by Representative TIPPING-SPITZ of Orono and Senators: ALFOND of Cumberland, DUTREMBLE of York, SAVIELLO of Franklin, Representatives: BLACK of Wilton, TIMBERLAKE of Turner.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

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

H.P. 44 L.D. 50

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-6).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-6).

Report READ and ACCEPTED, in concurrence.

READ ONCE.

Committee Amendment "A" (H-6) READ and ADOPTED, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on TRANSPORTATION on Bill "An Act To Amend the Laws Governing the Gold Star Family Registration Plate and To Establish an Honorable Service Military Family Registration Plate"

H.P. 131 L.D. 173

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-8).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-8).

Report READ and ACCEPTED, in concurrence.

READ ONCE.

Committee Amendment "A" (H-8) READ and ADOPTED, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on TRANSPORTATION on Bill "An Act To Eliminate Outdated Provisions of the Laws Governing the Maine Turnpike Authority"

H.P. 155 L.D. 223

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-9).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-9).

Report READ and ACCEPTED, in concurrence.

READ ONCE.

Committee Amendment "A" (H-9) READ and ADOPTED, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2016"

H.P. 160 L.D. 228

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-7)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-7)**.

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

READ ONCE.

Committee Amendment "A" (H-7) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator **LANGLEY** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Appropriate Funds To Help Restore the Historic Wood Island Life Saving Station in Kittery"

S.P. 115 L.D. 300

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-2)**.

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

READ ONCE.

Committee Amendment "A" (S-2) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House

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 Reduce the Time within Which a Challenge to a Tax Lien Foreclosure May Be Filed"

H.P. 58 L.D. 64

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

ENACTORS

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

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. 10 L.D. 7

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

Ordered sent down forthwith.

Emergency Resolve

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 Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control

H.P. 145 L.D. 202

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

Ordered sent down forthwith.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control

H.P. 146 L.D. 203

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Ordered sent down forthwith.

Resolves

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 Bridges

H.P. 60 L.D. 66
(C "A" H-3)

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

Ordered sent down forthwith.

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 (3/10/15) matter:

JOINT RESOLUTION - Recognizing February 2015 as Self-Care Month

S.P. 299

Tabled - March 10, 2015, by Senator **MASON** of Androscoggin

Pending - motion by Senator **BRAKEY** of Androscoggin to **ADOPT**

(In Senate, March 10, 2015, on motion by Senator **BRAKEY** of Androscoggin, **READ**.)

On motion by Senator **GRATWICK** of Penobscot, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **GRATWICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to speak in some perplexity of this Joint Resolution recognizing February 2015 as Self-Care Month. Three basic questions. We got this in March. It was nonetheless recognized in February, so it seems to be an unusually precedent. It was not very well vetted. I think we should have a standard doing better. Second, you may or may not recognize or remember all the specifics, but this is basically a commercial, somewhat direct, somewhat crass commercial or plug. I fully admit that over-the-counter medications are important. I think they have their role. On the other hand, this declaration, this Joint Resolution, as written, is very worse in the terms of the language because it's wholly auditory and really does not have any cautions in it. It makes a number of claims which I think are not appropriate and which we should be very wary about approving as a Body. Third, there are a number of significant medical problems with over-the-counter medications that I think we should all be aware of, particularly the young folks here in the front of our well here. All of us have to know that there are medications, over-the-counter, that you have to read the directions. You should know what you're doing. There is a great abuse potential. Specifically, I'm sure you are all aware that certain cough medicines like Nyquil, Robitussin, and etcetera are good. On the other hand they contain Dextromethorphan. When you take too much of it, it can have many bad side effects. Hallucinogenic side effects. It will certainly affect your thinking processes. The non-steroidal anti-inflammatories medicines, aspirin, have many side effects. People often take these medicines for pain. You want to get rid of your pain sooner as opposed to later and you take too many. Not a good thing. Side effects. Caffeine has many side effects. A lot of the energy drinks we see around now, I think you should be cautious, be aware of those. Diet pills are advertised and I suspect most people have heard of those past tales of diet pills. The woman who left her diet pills on the counter in a little bit of water and then a day later you saw the little tapeworms coming out of them. These pills need to be very carefully vetted. They should not be used. They should not be advertised in the way that they are advertised on this format here. Laxatives, particularly herbal diuretics, can be troublesome. The reason this is here is because ephedrine and pseudoephedrine, which occur in nasal decongestants, are fairly dangerous thing in your home chemistry laboratory. You can get your pseudoephedrine, your Sudafed, and turn it into methamphetamines. The laws have been restricted somewhat, but there is still the effect. The change of law is really very limited yet and this was a major source, or supply, for methamphetamines for quite a long time. Changed, but still not perfect. My medical concerns and worry is that drug interactions are not emphasized in this. Very important area. Second, it really doesn't distinguish who's getting these medicines. Pregnant women, elderly people, and particularly kids. It turns that kids from age 13 to 16 go to the medicine cabinet and they are one of the major groups that over use over-the-counter medications. Dosing is very important. I think this Joint Resolution is ill advised. It's practicing poor medicine. I think it should not get our seal of approval because it has a

number of false statements. I think it needed to be vetted more carefully. If someone brought this to me in my office I'd recommend quite strongly they find a new healthcare provider. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, rise to note that there are some philosophies in this Resolve that are problematic for me. The good doctor has shared the concerns about over emphasis on the drugs themselves and their problems. I'd like to speak to a different perspective for a moment. Self-care, which this Resolution, how it's written, describing self-care flies in the face of evidence and quite a number of meetings in my district that have been happening around how people deal with health issues and live healthier lives; live longer lives with more fulfilling time spent doing so. Over-the-counter drugs do help people cope briefly with symptoms, but real and lasting health is found through a healthier lifestyle, not through reliance on drugs. Better eating, more active habits, and de-stressing or setting aside time to de-stress through making connections with family, faith groups, positive friendships. Living a life of purpose in which you have a reason that you get up every morning. These are what constitute effective self-care. In light of that, I cannot support and would urge your support for placing what we trust to be important in self-care somewhere else. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Adopt. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#13)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, SAVIELLO, VOLK, WHITEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, CYRWAY, DIAMOND, DILL, DUTREMBLE, GERZOFsky, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ADOPT, PREVAILED.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/11/15) matter:

Bill "An Act To Amend the Laws Governing Wind Energy Development Permitting"

H.P. 540 L.D. 791

Tabled - March 11, 2015, by Senator **WOODSOME** of York

Pending - **REFERENCE**

(In House, March 10, 2015, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.)

On motion by Senator **EDGEComb** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in **NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/11/15) matter:

Bill "An Act To Improve Regulatory Consistency within the Jurisdiction of the Maine Land Use Planning Commission"
H.P. 562 L.D. 828

Tabled - March 11, 2015, by Senator **WOODSOME** of York

Pending - **REFERENCE**

(In House, March 10, 2015, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.)

On motion by Senator **EDGEComb** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in **NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/11/15) matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure That Laws Governing Hunting and Fishing Are Not Subject to the Citizen Petition Process
H.P. 507 L.D. 754

Tabled - March 11, 2015, by Senator **DAVIS** of Piscataquis

Pending - **REFERENCE**

(Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.)

(In House, March 10, 2015, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS.**)

On motion by Senator **DAVIS** of Piscataquis, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/11/15) matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Application of a Citizen Initiative Concerning Wildlife Matters to Counties in Which It Is Approved
H.P. 571 L.D. 837

Tabled - March 11, 2015, by Senator **CYRWAY** of Kennebec

Pending - **REFERENCE**

(In House, March 10, 2015, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.)

On motion by Senator **DAVIS** of Piscataquis, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later Assigned (3/12/15) matter:

Bill "An Act To Help Municipalities Dispose of Certain Abandoned Property"

H.P. 610 L.D. 891

Tabled - March 12, 2015, by Senator **BURNS** of Washington

Pending - **REFERENCE**

(In House, March 12, 2015, **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.

The Chair laid before the Senate the following Tabled and Later Assigned (3/12/15) matter:

RESOLUTION, Proposing an Amendment to Article X of the Constitution of Maine Regarding the Publication of Maine Indian Treaty Obligations

H.P. 612 L.D. 893

Tabled - March 12, 2015, by Senator **BURNS** of Washington

Pending - **REFERENCE**

(In House, March 12, 2015, **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.

The Chair laid before the Senate the following Tabled and Later Assigned (3/12/15) matter:

Bill "An Act To Amend the Public Accountancy Laws"
H.P. 634 L.D. 914

Tabled - March 12, 2015, by Senator **VOLK** of Cumberland

Pending - **REFERENCE**

(In House, March 12, 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.

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:

Emergency Measure

An Act Regarding Educator Effectiveness
S.P. 250 L.D. 692
(C "A" S-3)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Ordered sent down forthwith.

Off Record Remarks

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

Senator **ALFOND**: Thank you, Mr. President. The Senate Democrats, tomorrow, will be meeting at 9 am at the Dr. Olivia Hooker room. Ms. Hooker became the first African-American woman to enlist in the U.S. Coast Guard in 1945. She just celebrated her 100th birthday.

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

The President appointed the Senator from Androscoggin, Senator **LIBBY**, to serve as President Pro Tem for the session on Wednesday, March 18, 2015.

On motion by Senator **MASON** of Androscoggin, **ADJOURNED**, until Wednesday, March 18, 2015, at 10:00 in the morning, in memory of and lasting tribute to Richard John McGee of Fairfield.