## 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

Senate called to order by President Michael D. Thibodeau of

In Senate Chamber Tuesday March 24, 2015

Waldo County. Prayer by Pastor Glenn Peterson, Hope Baptist Church in Manchester. PASTOR PETERSON: Let us pray. Dear Heavenly Father, it is the end of a very long winter here in Maine. Many of the Senators here today are feeling a bit tired, have a case of the blahs as this day begins. I am grateful for what the Bible says in Isaiah 40. I am glad to be reminded in that part of the Bible that even youths get faint and weary and young men get exhausted because I am neither a youth nor a young man any more. Thank You, God, for the freedom to accept my limitations and my humanity, a freedom I need to access more regularly. More importantly, Father, I am thankful for what this passage reminds me about You. You are tireless in Your care, everlasting in Your mercies, and generous with Your grace. You anticipate our weakness and meet us right there. When we get worn out, You don't roll Your eyes and call us couch potatoes, but You still love us. Father, we thank You for the promise in Isaiah 40 to renew our strength. Thank You for the calling to wait upon You and not simply get up and get busy, since you have perfect understanding we can quiet ourselves before You and let You refresh our hearts and replenish our resources. May You give these Senators what they need today. They don't need to feel guilty for feeling tired at the end of a long winter. They just need, today, to have a less busy, quieter, distractionless stretch of time. Give them that gift today and in the days to come. In Your great name we pray. Amen.

Pledge of Allegiance led by Senator Brian D. Langley of Hancock County.

Reading of the Journal of Thursday, March 19, 2015.

Doctors of the day, Lisa Torgersen, MD of Canton and Dieter Kreckel, MD of Rumford.

Off Record Remarks

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (2/24/15) matter:

JOINT ORDER - Expression of Legislative Sentiment Recognizing the Dexter Regional High School Cheerleading Team of Dexter SLS 154

Tabled - February 24, 2015, by Senator DAVIS of Piscataquis

Pending - motion by same Senator to PASS

(In Senate, February 24, 2015, READ.)

The Joint Order was READ.

**THE PRESIDENT**: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator DAVIS: Thank you, Mr. President. Ladies and gentlemen of the Maine Senate, I'm pleased to rise before you today to recognize the members and the coaching staff of the Dexter High School Cheerleading Team, the winners of this year's Eastern Maine Class C title. The team, along with their coach, Kacie Ladd, worked extremely hard all season to be one of the best in the east. If any of you have ever watched a cheering competition, I'm sure some of you have, you know that the stunts they execute look nearly impossible, especially to those of us who are best with both feet planted on the ground and who possess little or no rhythm. This team and their accomplishments this season have made the Dexter students, staff, and alumni, such as myself, proud of all the hard work and success and I'm happy to be able to recognize them before this Body today. Thank you, Mr. President.

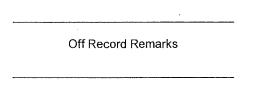
**THE PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator ALFOND: Thank you, Mr. President. Ladies and gentlemen of the Senate, anytime that Dexter is talked about I smile from one ear to the other. I also want to congratulate the cheerleaders from Dexter. This is a great day for the community. I know, being an athlete back in my day at Dexter and also being in Dexter for a very long time, athletics are very, very important to that community, as well as academics. To see these women achieve such a high level is just a great accomplishment for their team, for their coach, and community and I wholeheartedly want to congratulate them for their unbelievable success this year, winning the Class C Cheerleading Championship.

On motion by Senator DAVIS of Piscataquis, PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber today the Championship Cheerleading Team from Dexter. They are the guests today of the Senator from Piscataquis, Senator Davis and the Senator from Cumberland, Senator Alfond. Would they please rise and accept the greetings of the Maine Senate.



#### PAPERS FROM THE HOUSE

#### **Non-Concurrent 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

Committee on INLAND FISHERIES AND WILDLIFE suggested and ordered printed.

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

In Senate, March 17, 2015, on motion by Senator DAVIS of Piscataquis, REFERRED to the Committee on INLAND FISHERIES AND WILDLIFE, in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

On motion by Senator CYRWAY of Kennebec, the Senate RECEDED and CONCURRED.

#### **Non-Concurrent 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

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

In Senate, March 17, 2015, on motion by Senator DAVIS of Piscataquis, REFERRED to the Committee on INLAND FISHERIES AND WILDLIFE, in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

On motion by Senator CYRWAY of Kennebec, the Senate RECEDED and CONCURRED.

#### **House Papers**

Bill "An Act To Protect the Future of Harness Racing" (EMERGENCY)

H.P. 705 L.D. 1022

Bill "An Act To Revise the Animal Welfare Laws" H.P. 706 L.D. 1023 Come from the House, REFERRED to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY and ordered printed.

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

Bill "An Act To Amend the Laws Governing Participating Local Districts in the Maine Public Employees Retirement System"
H.P. 690 L.D. 995

Bill "An Act To Authorize a General Fund Bond Issue for Food Processing Infrastructure in Rural Areas of the State"

H.P. 691 L.D. 996

Bill "An Act To Authorize a General Fund Bond Issue To Collect Data on and To Monitor Ocean Acidification"

H.P. 693 L.D. 998

Bill "An Act To Make Certain Necessary Appropriations and Allocations"

H.P. 701 L.D. 1018

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017"

H.P. 702 L.D. 1019

Bill "An Act To Make Certain Necessary Supplemental Appropriations and Allocations"

H.P. 703 L.D. 1020

Bill "An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System"

H.P. 704 L.D. 1021

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.

Bill "An Act To Appropriate \$500,000 for the Electronic Monitoring Fund"

H.P. 697 L.D. 1002

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.

Bill "An Act To Define Prosthetic and Orthotic Devices for Purposes of the Sales Tax Law" Bill "An Act To Create a Priority Lien Securing 6 Months of H.P. 695 L.D. 1000 Assessments under the Maine Condominium Act" H.P. 689 L.D. 994 Bill "An Act To Enact a New Hire Tax Credit and To Create Initiatives To Help Families Move from Assistance to Employment" H.P. 696 L.D. 1001 Bill "An Act To Prohibit Discrimination by Employers and Protect the Privacy of an Applicant for Employment, an Employee or an Employee's Dependents Regarding Reproductive Health Bill "An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State by Encouraging Visual Media Decisions" H.P. 698 L.D. 1003 Production" (EMERGENCY) H.P. 699 L.D. 1004 Bill "An Act To Amend the Law Regarding Medical Examiners" Come from the House, REFERRED to the Committee on H.P. 700 L.D. 1005 TAXATION and ordered printed. Come from the House, REFERRED to the Committee on On motion by Senator MCCORMICK of Kennebec, REFERRED to JUDICIARY and ordered printed. the Committee on TAXATION and ordered printed, in concurrence. On motion by Senator BURNS of Washington, REFERRED to the Committee on JUDICIARY and ordered printed, in concurrence. Bill "An Act To Require Motorized Scooters To Be Equipped with Flags" Resolve, To Allow a Federally Recognized Indian Tribe To H.P. 708 L.D. 1025 Conduct a Pilot Project in Hemp Cultivation H.P. 688 L.D. 993 Comes from the House, REFERRED to the Committee on TRANSPORTATION and ordered printed. Committee on JUDICIARY suggested and ordered printed. On motion by Senator COLLINS of York, REFERRED to the Comes from the House, REFERRED to the Committee on Committee on TRANSPORTATION and ordered printed, in AGRICULTURE, CONSERVATION AND FORESTRY. concurrence. On motion by Senator BURNS of Washington, TABLED until Later in Today's Session, pending REFERENCE. Bill "An Act To Streamline Licensing Requirements for and Payments from Veterans' Organizations" H.P. 692 L.D. 997 Bill "An Act To Prevent Passage of Alewives through the Grand Comes from the House, REFERRED to the Committee on Falls Dam on the St. Croix River" H.P. 549 L.D. 800 VETERANS AND LEGAL AFFAIRS and ordered printed. On motion by Senator CYRWAY of Kennebec, REFERRED to the Comes from the House, REFERRED to the Committee on MARINE RESOURCES and ordered printed. Committee on VETERANS AND LEGAL AFFAIRS and ordered printed, in concurrence. On motion by Senator BAKER of Sagadahoc, TABLED until Later in Today's Session, pending REFERENCE. COMMUNICATIONS Bill "An Act To Ensure Proper Adoption of Rules by All The Following Communication: S.C. 146 Departments, Agencies and Boards" H.P. 694 L.D. 999 STATE OF MAINE ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE Comes from the House, REFERRED to the Committee on STATE **COMMITTEE ON JUDICIARY** AND LOCAL GOVERNMENT and ordered printed. March 19, 2015 On motion by Senator WILLETTE of Aroostook, REFERRED to the Committee on STATE AND LOCAL GOVERNMENT and The Honorable Michael D. Thibodeau ordered printed, in concurrence. 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 Richard W. Mulhern of Falmouth, for reappointment as a District Court Judge.

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 9 Hobbins of Saco, Evangelos of

Friendship, Ginzler of Bridgton, Guerin of Glenburn, McCreight of Harpswell, Monaghan of Cape Elizabeth, Moonen of Portland, Sherman of Hodgdon, Warren of

Hallowell

NAYS 0

ABSENT 1 Rep. Herrick of Paris

Rep. Mitchell of Penobscot Nation was absent.

Twelve 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 Richard W. Mulhern of Falmouth, for reappointment as a District Court Judge be confirmed.

Signed,

S/David C. Burns Senate Chair S/Barry J. Hobbins House Chair

#### READ and ORDERED PLACED ON FILE.

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 127<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#14)

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 the Honorable Richard W. Mulhern of Falmouth for reappointment as a District Court Judge was CONFIRMED.

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

The Following Communication:

S.C. 147

STATE OF MAINE
DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY
MANAGEMENT
33 STATE HOUSE STATION
CAMP KEYES, AUGUSTA, MAINE 04333-0033

March 5, 2015

Honorable Michael D. Thibodeau President of the Senate 3 State House Station Augusta, Maine 04333-0003

Dear Senator Thibodeau:

As the Commissioner of the Maine Department of Defense, Veterans and Emergency Management and the Adjutant General of the Maine National Guard, I accept your invitation to address the Joint Session of the 127<sup>th</sup> Maine Legislature on Tuesday, March 24, 2015 at 11:00 a.m.

Sincerely,

S/Brigadier General James D. Campbell Commissioner and the Adjutant General

**READ and ORDERED PLACED ON FILE.** 

The Following Communication:

S.C. 148

# STATE OF MAINE ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

March 19, 2015

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

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 481 An Act To Amend the Eligibility Requirements for the Rural Medical Access Program

L.D. 643 An Act To Protect Veterans Returning from Active Duty from Losing Their Homes

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

#### Sincerely,

S/Sen. Rodney L. Whittemore Senate Chair

S/Rep. Henry E. Beck House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication:

S.C. 149

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

March 19, 2015

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

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor, Commerce, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 250 An Act To Amend the Laws Regarding Dealers in Secondhand Precious Metals

L.D. 277 An Act To License Polysomnography

L.D. 362 An Act To Require Dentists To Disclose the Cost and Origin of Off-site Laboratory Services

L.D. 486 An Act To Require Adequate Rest Breaks for Employees

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

#### Sincerely,

S/Sen. Amy F. Volk

S/Rep. Erin D. Herbig

Senate Chair

House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication:

S.C. 150

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

March 19, 2015

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

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 410 Resolve, To Direct the Department of Transportation To Require the Word "Danger" on All Road Signs That Warn of Moose

Resolve, Regarding Engineering for Route 161

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

#### Sincerely,

S/Sen. Ronald F. Collins Senate Chair

L.D. 411

S/Rep. Andrew J. McLean

House Chair

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

The Following Communication:

S.C. 151

### STATE OF MAINE PERMANENT COMMISSION ON THE STATUS OF WOMEN

March 19, 2015

The Honorable Michael Thibodeau Senate President 3 State House Station Augusta, Maine 04333-0003

Dear President Thibodeau:

On behalf of the Permanent Commission on the Status of Women, please find our 2015 Report on the Status of Women and Girls in Maine for your review and consideration.

As you may know, the nonpartisan Commission was established in Maine statute in 2010 and charged with advising the state's policy makers on issues that are relevant to the state's female population. Our members hail from many different backgrounds and represent a variety of perspectives.

This report, our second, reflects our collaborative effort to analyze available data surrounding five policy dimensions (education; economic security; health; safety & wellbeing; and leadership & public life), as well as an analysis of direct input from Maine women and girls. Together, this information has formed the basis for our policy recommendations, which you will find at the beginning of our report.

We hope to have the opportunity to discuss our findings and recommendations with you during this legislative session, and will follow up with your office about scheduling a meeting time. In the meantime, we respectfully offer ourselves up as a resource for you in the important work that you do to move Maine forward.

Our Commission is eager to work with you to increase the wellbeing of Maine women and girls—and by extension, all Mainers. If you have any questions in the interim or would like additional information, please contact me via email: airwin@mainecahc.org or by phone: 207-622-7083 x1213 or Governance Chair Elizabeth Ward Saxl (director@mecasa.org, 207-626-0034). You can find more information on our Commission and the report on the Secretary of State's website: www.maine.gov/sos/womens-comm.htm.

Sincerely,

S/Andrea L. Irwin, Acting Chair Maine's Permanent Commission on the Status of Women

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 Restore Farmlands and Improve Watersheds" S.P. 367 L.D. 1041

Presented by Senator JOHNSON of Lincoln.
Cosponsored by Representative HICKMAN of Winthrop and
Senators: ALFOND of Cumberland, BREEN of Cumberland, DILL
of Penobscot, EDGECOMB of Aroostook, MILLETT of
Cumberland, SAVIELLO of Franklin, Representatives: MAREAN of
Hollis, WELSH of Rockport.

On motion by Senator MASON of Androscoggin, REFERRED to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY and ordered printed.

Sent down for concurrence.

Bill "An Act To Increase the Penalties for Vandalizing a Cemetery" S.P. 374 L.D. 1071

Presented by Senator SAVIELLO of Franklin. Cosponsored by Senators: CUSHING of Penobscot, DILL of Penobscot, Representative: BLACK of Wilton.

Bill "An Act To Create a Cause of Action for Damage to Public Easements"

S.P. 377 L.D. 1074

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative HARLOW of Portland and
Senators: BURNS of Washington, DILL of Penobscot, LIBBY of
Androscoggin, MIRAMANT of Knox, SAVIELLO of Franklin,
Representative: GOODE of Bangor.

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

Sent down for concurrence.

Resolve, To Assist the University of Maine System and the Maine Community College System To Reduce the Need for Remedial Education

S.P. 359 L.D. 1033

Presented by Senator ALFOND of Cumberland.

Resolve, To Create the Task Force on School Leadership (EMERGENCY)

S.P. 368 L.D. 1042

Presented by Senator LANGLEY of Hancock.
Cosponsored by Representative FARNSWORTH of Portland and
Senator: EDGECOMB of Aroostook, Representatives: HUBBELL
of Bar Harbor, MAKER of Calais, McCLELLAN of Raymond,
STEARNS of Guilford.

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

Sent down for concurrence.

Off Record Remarks

Bill "An Act To Lower Energy Costs and Increase Access to Solar Energy for Agricultural Businesses"

S.P. 376 L.D. 1073

Presented by Senator SAVIELLO of Franklin. Cosponsored by Senator: BREEN of Cumberland, Representatives: CAMPBELL of Orrington, DUCHESNE of Hudson, HARLOW of Portland, WELSH of Rockport.

Bill "An Act To Amend the Charter of the Canton Water District" S.P. 378 L.D. 1075

Presented by Senator PATRICK of Oxford. Cosponsored by Representative PETERSON of Rumford. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator WOODSOME of York, REFERRED to the Committee on ENERGY, UTILITIES AND TECHNOLOGY and ordered printed.

Sent down for concurrence.

Bill "An Act To Enhance Funding Opportunities for the Youth Conservation Corps"

S.P. 366 L.D. 1040

Presented by Senator SAVIELLO of Franklin. Cosponsored by Senators: BURNS of Washington, DAVIS of Piscataquis, DILL of Penobscot, KATZ of Kennebec, Representatives: BLACK of Wilton, HILLIARD of Belgrade.

Bill "An Act To Strengthen the Overboard Discharge Removal Grant Program"

S.P. 369 L.D. 1043

Presented by Senator JOHNSON of Lincoln.
Cosponsored by Representative KUMIEGA of Deer Isle and
Senators: BREEN of Cumberland, LIBBY of Androscoggin,
MIRAMANT of Knox, SAVIELLO of Franklin, Representatives:
ALLEY of Beals, BLUME of York, DEVIN of Newcastle, WELSH of
Rockport.

Bill "An Act To Ensure That Collection Facilities Can Participate in the Architectural Paint Stewardship Program"

S.P. 370 L.D. 1044

Presented by Senator SAVIELLO of Franklin. Cosponsored by Representatives: BLACK of Wilton, BUCKLAND of Farmington, DUCHESNE of Hudson, MARTIN of Eagle Lake.

Bill "An Act To Modify the Laws Regarding the Collection and Recycling of Mercury-added Thermostats"

S.P. 371 L.D. 1045

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative MARTIN of Eagle Lake and
Senator: DAVIS of Piscataquis, Representatives: BLACK of Wilton,
BUCKLAND of Farmington, DUCHESNE of Hudson, HILLIARD of
Belgrade.

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

Sent down for concurrence.

Bill "An Act To Prohibit the Use of EBT Cards for Cash Withdrawals"

S.P. 360 L.D. 1034

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative SANDERSON of Chelsea and
Senators: BURNS of Washington, DAVIS of Piscataquis, MASON
of Androscoggin, WILLETTE of Aroostook, Representatives: HEAD
of Bethel, MALABY of Hancock, PETERSON of Rumford,
VACHON of Scarborough.

Bill "An Act To Create a 9-month Time Limit on General Assistance Benefits"

S.P. 361 L.D. 1035

Presented by Senator BRAKEY of Androscoggin. Cosponsored by Senators: BURNS of Washington, DAVIS of Piscataquis, MASON of Androscoggin, Representatives: HEAD of Bethel, PETERSON of Rumford, SANDERSON of Chelsea, VACHON of Scarborough.

Bill "An Act To Prioritize Use of Available Resources in General Assistance Programs"

S.P. 362 L.D. 1036

Presented by Senator BRAKEY of Androscoggin. Cosponsored by Senators: BURNS of Washington, DAVIS of Piscataquis, MASON of Androscoggin, WILLETTE of Aroostook, Representatives: HEAD of Bethel, SANDERSON of Chelsea.

Bill "An Act To Establish a 180-day Residency Requirement for Welfare Benefits"

S.P. 363 L.D. 1037

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Senators: CUSHING of Penobscot, MASON of
Androscoggin, President THIBODEAU of Waldo, WILLETTE of
Aroostook, Representatives: HEAD of Bethel, MALABY of
Hancock, SANDERSON of Chelsea, VACHON of Scarborough.

Bill "An Act To Ensure Access to Public Health Nursing Care and Child and Maternal Health Nursing Care in Washington County"
S.P. 379 L.D. 1077

Presented by Senator BURNS of Washington.
Cosponsored by Representative TUELL of East Machias and
Senators: DAVIS of Piscataquis, KATZ of Kennebec, SAVIELLO of
Franklin, WHITTEMORE of Somerset, Representatives: GILBERT
of Jay, LONG of Sherman, PICKETT of Dixfield, STANLEY of
Medway.

Bill "An Act To Preserve MaineCare Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes"

S.P. 380 L.D. 1078

Presented by Senator BURNS of Washington.
Cosponsored by Representative SANDERSON of Chelsea and Senators: BAKER of Sagadahoc, CUSHING of Penobscot, CYRWAY of Kennebec, ROSEN of Hancock, WOODSOME of York, Representatives: BLACK of Wilton, GILBERT of Jay, MARTIN of Eagle Lake.

Resolve, To Support and Encourage the Expansion of Adult Family Care Services at Residential Care Facilities

S.P. 381 L.D. 1079

Presented by Senator BURNS of Washington.
Cosponsored by Representative TUELL of East Machias and
Senators: DAVIS of Piscataquis, KATZ of Kennebec,
Representatives: BLACK of Wilton, DUCHESNE of Hudson,
Speaker EVES of North Berwick, GILBERT of Jay, PICKETT of
Dixfield, SHERMAN of Hodgdon.

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 Amend the Polygraph Examiners Act" S.P. 365 L.D. 1039

Presented by Senator HASKELL of Cumberland. Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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 Amend the Emergency Rule-making Authority of the Department of Marine Resources"

S.P. 364 L.D. 1038

Presented by Senator LANGLEY of Hancock.

Cosponsored by Representative KUMIEGA of Deer Isle and Senator: MIRAMANT of Knox, Representatives: BLUME of York, PIERCE of Dresden.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Penalize Legislators for Excessive Absences" S.P. 372 L.D. 1046

Presented by Senator BAKER of Sagadahoc.
Cosponsored by Representative PIERCE of Dresden and
Senators: EDGECOMB of Aroostook, HAMPER of Oxford,
MASON of Androscoggin, ROSEN of Hancock, VOLK of
Cumberland, WOODSOME of York, Representatives: AUSTIN of
Gray, CRAFTS of Lisbon.

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 Retain More Retirees in Maine" S.P. 373 L.D. 1070

Presented by Senator SAVIELLO of Franklin. Cosponsored by Senators: BURNS of Washington, DAVIS of Piscataquis, HAMPER of Oxford, KATZ of Kennebec, Representatives: BLACK of Wilton, HILLIARD of Belgrade.

Bill "An Act To Encourage Maine's Economic Competitiveness" S.P. 375 L.D. 1072

Presented by Senator VOLK of Cumberland. Cosponsored by Representative LOCKMAN of Amherst and Senators: BREEN of Cumberland, CUSHING of Penobscot, GERZOFSKY of Cumberland, LIBBY of Androscoggin.

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

Sent down for concurrence.

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

#### **ORDERS**

#### Joint Resolution

On motion by Senator KATZ of Kennebec (Cosponsored by Representative POULIOT of Augusta and Senator: CYRWAY of Kennebec, Representatives: DOORE of Augusta, FOWLE of Vassalboro, SANDERSON of Chelsea), the following Joint Resolution:

S.P. 382

#### JOINT RESOLUTION

MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT THE REFORM OF THE SOCIAL SECURITY OFFSETS OF THE GOVERNMENT PENSION OFFSET AND THE WINDFALL ELIMINATION PROVISION

**WE**, your Memorialists, the Members of the One Hundred and Twenty-seventh Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the Congress of the United States, as follows:

WHEREAS, under current federal law, individuals who receive a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security are subject to a reduction in the Social Security benefits; and

WHEREAS, these laws, contained in the federal Social Security Act, 42 United States Code, Chapter 7, Subchapter II, Federal Old-Age, Survivors, and Disability Insurance Benefits, and known as the Government Pension Offset and the Windfall Elimination Provision, greatly affect public employees, particularly women; and

WHEREAS, the Windfall Elimination Provision reduces by a formula the Social Security benefit of a person who is also receiving a pension from a public employer that does not participate in Social Security; and

WHEREAS, the Government Pension Offset and the Windfall Elimination Provision are particularly burdensome on the finances of low-income and moderate-income public service workers, such as school teachers, clerical workers and school cafeteria employees, whose wages are low to start; and

WHEREAS, the Government Pension Offset and the Windfall Elimination Provision both unfairly reduce benefits for those public employees and their spouses whose careers cross the line between the private and public sectors; and

WHEREAS, since many lower-paying public service jobs are held by women, both the Government Pension Offset and the Windfall Elimination Provision have a disproportionately adverse effect on women; and

WHEREAS, in some cases, additional support in the form of income, housing, heating and prescription drug and other safety net assistance from state and local governments is needed to make up for the reductions imposed at the federal level; and

WHEREAS, other participants in Social Security do not have their benefits reduced in this manner; and

WHEREAS, to participate or not to participate in Social Security in public sector employment is a decision of employers, even though both the Government Pension Offset and the Windfall Elimination Provision directly punish employees and their spouses; and

WHEREAS, although the Government Pension Offset was enacted in 1977 and the Windfall Elimination Provision was enacted in 1983, many of the benefits in dispute were paid into Social Security prior to that time; now, therefore, be it

**RESOLVED:** That We, your Memorialists, request that the President of the United States and the United States Congress work together to support reform proposals that include the following protections for low-income and moderate-income government retirees:

- 1. Protections permitting retention of a combined public pension and Social Security benefit with no applied reductions;
- 2. Protections permanently ensuring that level of benefit by indexing it to inflation; and
- 3. Protections ensuring that no current recipient's benefit is reduced by the reform legislation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; and each Member of the Maine Congressional Delegation.

#### READ.

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

Senator KATZ: Thank you, Mr. President. Many of our constituents share the same problem that people in 16 other states have that really cries out to be fixed. People who participate in public pension systems in our State, they could be State employees, they could be teachers, clerical workers, school cafeteria employees, or anyone who participates in public pension systems, and also at some point in their life works in the private sector where they are building up Social Security benefits fully expect that when they retire they are going to get the full benefit of their public pension that they have earned and also expect they're going to get the benefit of the Social Security benefit that they have earned based on how many quarters they have. Unfortunately, that is not the case. I'm sure we've all had constituents who called us and said, "I'm now getting a public pension and I've applied for Social Security and they're taking money away from me in my Social Security." It's true. It's perfectly legal. It's called the offset and it penalizes public employees who have earned their quarters in Social Security by taking away a portion of their Social Security. There is nothing we can do about it here in the State of Maine or in those other states. It's a federal law. What we can do is to petition the Congress to take a look at it and change it because it's just so unfair. It's not the first time that a Resolution like this has been presented. It's not the first time that a Resolution will be sent to Washington. We have some hope that this year, for the first time.

with the help of our Congressional Delegation, that maybe we can start making some progress and undo this wrong that's happening now. I urge all my colleagues, Mr. President, to vote for this Resolution and hopefully our school workers, our public employees, and anyone who has gone back and forth between the private and public sectors will be treated fairly. Thank you, Mr. President.

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

Senator HASKELL: Thank you very much, Mr. President. Men and women of the Senate, I have living in my house the President of the Maine Chapter of the Association of Active and Retired Federal Employees, that would be my husband, who some of you have met. I would also tell you that because of his activity regarding this offset and my understanding of the workers and the retired workers, the benefit for which they eamed, that they paid out of their salary, is not being returned to them as it is to the rest of us, the Social Security benefit. It's something of major concern to federal retirees here in the State of Maine and active federal employees as well. I thank the good Senator for making sure that this came to our attention and I look forward with enthusiasm to supporting this Joint Resolution. Thank you, Mr. President.

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

Senator KATZ: Thank you, Mr. President. I apologize for rising a second time, but one of the most egregious parts of this I forgot to mention. There are widows who are expecting to get the benefits of their deceased husband, or vice versa I suppose with widowers, who not only see an offset but get none of those benefits, none of the deceased spouse's benefits on their death, which is even more unfair than the system that the good Senator from Cumberland and I were previously describing. Another important reason to vote for this Resolution. Thank you, Mr. President.

On motion by Senator KATZ of Kennebec, ADOPTED.

Sent down for concurrence.

#### REPORTS OF COMMITTEES

#### House

#### Change of Committee

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Law Regarding Juvenile Provisional Licenses To Foster Military Service"

H.P. 190 L.D. 272

Reported that the same be REFERRED to the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY.

#### Report READ.

On motion by Senator COLLINS of York, Report REJECTED.

On further motion by same Senator, Bill and accompanying papers COMMITTED to the Committee on TRANSPORTATION, in NON-CONCURRENCE.

Sent down for concurrence.

#### Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on 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

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Report READ and ACCEPTED, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

#### Ought to Pass As Amended

The Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Education, the Maine Arts Commission and the Maine State Museum and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2015" (EMERGENCY)

H.P. 167 L.D. 235

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-16)**.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-16).

Report READ and ACCEPTED, in concurrence.

READ ONCE.

Committee Amendment "A" (H-16) READ and ADOPTED, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Remove the 180-day Active Duty Requirement for the Property Tax Exemption for Vietnam Veterans"

H.P. 128 L.D. 170

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-15).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15).

Report READ and ACCEPTED, in concurrence.

READ ONCE.

Committee Amendment "A" (H-15) READ and ADOPTED, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

#### **Divided Report**

The Majority of the Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act To Ensure Proper Funding for Teacher Retirement"

H.P. 54 L.D. 60

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-14).

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor DAUGHTRY of Brunswick FARNSWORTH of Portland HUBBELL of Bar Harbor PIERCE of Falmouth STEARNS of Guilford TIPPING-SPITZ of Orono

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

Signed:

Senators:

LANGLEY of Hancock EDGECOMB of Aroostook

Representatives:

MAKER of Calais McCLELLAN of Raymond POULIOT of Augusta

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Comes from the House with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-14).

Reports READ.

Senator LANGLEY of Hancock moved the Senate ACCEPT the Minority OUGHT NOT TO PASS Report, in NON-CONCURRENCE.

On further motion by same Senator, TABLED until Later in Today's Session, pending the motion by same Senator to ACCEPT the Minority OUGHT NOT TO PASS Report, in NON-CONCURRENCE.

#### **Divided Report**

The Majority of the Committee on **JUDICIARY** on 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

Reported that the same Ought Not to Pass.

Signed:

Senators:

BURNS of Washington JOHNSON of Lincoln VOLK of Cumberland

Representatives:

HOBBINS of Saco EVANGELOS of Friendship GINZLER of Bridgton GUERIN of Glenburn McCREIGHT of Harpswell MOONEN of Portland SHERMAN of Hodgdon WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same Ought To Pass as Amended by Committee Amendment "A" (H-18).

Signed:

Representatives:

HERRICK of Paris MONAGHAN of Cape Elizabeth

Comes from the House with the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Reports READ.

On motion by Senator BURNS of Washington, the Majority OUGHT NOT TO PASS Report ACCEPTED, in concurrence.

#### ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY. **Divided Report** The Majority of the Committee on TRANSPORTATION on Bill "An **Ought to Pass As Amended** Act To Address Suspension of an Operator's License for Negligent Operation Causing the Death of Another Person" Senator SAVIELLO for the Committee on ENVIRONMENT AND H.P. 33 L.D. 34 NATURAL RESOURCES on Bill "An Act To Amend the Shoreland Zoning Laws To Exempt Certain Walkways and Trails from Reported that the same Ought Not to Pass. Setback Requirements" S.P. 122 L.D. 307 Signed: Reported that the same Ought to Pass as Amended by Senators: Committee Amendment "A" (S-6). COLLINS of York DIAMOND of Cumberland Report READ and ACCEPTED. **ROSEN of Hancock** READ ONCE. Representatives: McLEAN of Gorham Committee Amendment "A" (S-6) READ and ADOPTED. **FARRIN** of Norridgewock **GILLWAY** of Searsport ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY. GOLDEN of Lewiston **HOBART** of Bowdoinham **HOGAN of Old Orchard Beach** PARRY of Arundel Senator COLLINS for the Committee on TRANSPORTATION on **POWERS of Naples** Bill "An Act Regarding Limitations on Certain Storm Water Fees" VEROW of Brewer S.P. 26 L.D. 78 The Minority of the same Committee on the same subject reported Reported that the same Ought to Pass as Amended by that the same Ought To Pass. Committee Amendment "A" (S-4). Signed: Report READ and ACCEPTED. Representative: READ ONCE. **BRYANT** of Windham Committee Amendment "A" (S-4) READ and ADOPTED. Comes from the House with the Majority OUGHT NOT TO PASS ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY. Report READ and ACCEPTED. Reports READ. On motion by Senator COLLINS of York, the Majority OUGHT Senator COLLINS for the Committee on TRANSPORTATION on NOT TO PASS Report ACCEPTED, in concurrence. Bill "An Act To Stay Certain Suspensions Imposed by the Secretary of State Pending Appeal" S.P. 83 L.D. 214 Senate Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-5). **Ought to Pass** Report READ and ACCEPTED. Senator COLLINS for the Committee on TRANSPORTATION on Bill "An Act To Amend the Laws Regarding Noncommercial READ ONCE. Foreign Vessels" S.P. 73 L.D. 198 Committee Amendment "A" (S-5) READ and ADOPTED. Reported that the same Ought to Pass. ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY. Report READ and ACCEPTED.

READ ONCE.

Senator CYRWAY for the Committee on VETERANS AND LEGAL AFFAIRS on Bill "An Act To Strengthen the Craft Beer Industry"

S.P. 39 L.D. 102

On further motion by same Senator, TABLED until Later in Today's Session, pending the motion by same Senator to ACCEPT the Minority OUGHT NOT TO PASS Report.

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

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-8) READ and ADOPTED.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

#### **Divided Report**

The Majority of the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on 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

Reported that the same Ought to Pass.

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast BATES of Westbrook CAMPBELL of Newfield FECTEAU of Biddeford GILBERT of Jay MASTRACCIO of Sanford

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

Signed:

Senators:

VOLK of Cumberland CUSHING of Penobscot

Representatives:

AUSTIN of Gray LOCKMAN of Amherst STETKIS of Canaan WARD of Dedham

Reports READ.

Senator VOLK of Cumberland moved the Senate ACCEPT the Minority OUGHT NOT TO PASS Report.

#### **Divided Report**

The Majority of the Committee on VETERANS AND LEGAL AFFAIRS on Bill "An Act To Standardize Pints of Beer Sold in Maine"

S.P. 55 L.D. 122

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

Signed:

Senators:

CYRWAY of Kennebec COLLINS of York PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
DILLINGHAM of Oxford
GOLDEN of Lewiston
HANINGTON of Lincoln
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
SCHNECK of Bangor

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

Signed:

Representatives:

KINNEY of Limington TURNER of Burlington

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

Reports **READ**.

On motion by Senator CYRWAY of Kennebec, the Majority OUGHT TO PASS AS AMENDED Report ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-7) READ and ADOPTED.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Acts
An Act To Eliminate Outdated Provisions of the Laws Governing the Maine Turnpike Authority
H.P. 155 L.D. 223 (C "A" H-9)
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 (C "A" H-7)
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PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.
Ordered sent down forthwith.
An Act To Authorize up to 2 Free Sets of License Plates for 100 Percent Disabled Veterans  H.P. 44 L.D. 50
(C "A" H-6)
On motion by Senator COLLINS of York, placed on the SPECIAL HIGHWAY TABLE, pending ENACTMENT, in concurrence.
An Act To Amend the Laws Governing the Gold Star Family Registration Plate
H.P. 131 L.D. 173 (C "A" H-8)
On motion by Senator <b>CUSHING</b> of Penobscot, <b>TABLED</b> until Later in Today's Session, pending <b>ENACTMENT</b> , in concurrence.
Off Decord Demodes
Off Record Remarks
All matters thus acted upon were ordered sent down forthwith for concurrence.
On motion by Senator MASON of Androscoggin, ADJOURNED to Wednesday, March 25, 2015, at 10:00 in the morning.

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