

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 3, 2014

beginning at Page 1

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

In Senate Chamber
Wednesday
March 25, 2015

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

Prayer by Reverend Phil Hubbard, Palermo Christian Church.

REVEREND HUBBARD: Let us pray. Almighty God, the
founders of this great resilience sought Your wisdom in
establishing our nation. With that same power that inspired our
patriots bless the members of this Senate today. Lift them up, O
God. When they feel discouraged, when negative thoughts seem
to dominate, when the winds are against them, strengthen their
minds and spirits with the inner faith that You can only provide.
Equip them with a courage that constantly reminds them that with
God all things are possible. In Your name. Amen.

Pledge of Allegiance led by Senator Dawn Hill of York County.

Reading of the Journal of Tuesday, March 24, 2015.

Doctor of the day, David Edsall, MD of Ellsworth.

Off Record Remarks

Out of order and under suspension of the Rules, the Chair laid
before the Senate the following Tabled and Later Assigned
(3/5/15) matter:

JOINT RESOLUTION - Memorializing Ronald Wayne Libby of
Sorrento

SLS 195

Tabled - March 5, 2015, by Senator **MASON** of Androscoggin

Pending - motion by Senator **BURNS** of Washington to **ADOPT**

(In Senate, March 5, 2015, **READ**.)

The Joint Resolution was **READ**.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and
gentlemen of the Senate, it is my honor today, and privilege, to be
able to do this memoriam on behalf of my good friend, Ronny
Libby. As you know, we don't do memoriams for everybody when
they pass, but I thought this one deserved to come in front of this
Body. Ronny Libby was what most of us would refer to as an
average guy, just like most all of us in this Chamber here today.
He raised a great family. He had a loving wife. Enjoyed hunting
and fishing and the traditions of Maine. He quietly served his
fellow man as a public servant for many, many years. Ronny was
a State Trooper, like his brother, Barry, who spent his career
helping people, working hard, and making a difference in people's
lives without any recognition or fame or fortune. I guess you
would say he's another of those unsung heroes. I served with
Ronny for many years while he was a detective. Ronny would
take any case that was assigned to him without complaint and
usually find someone that was responsible and prosecute the
guilty person. Much of his work involved heart wrenching child
abuse cases and gruesome homicide investigations. These are
the jobs that most people wouldn't want to take but Ronny did
them and he did them very well. Everyone that worked with
Ronny enjoyed his sense of humor and his straight talk and
approach to things. He would often say to me, "That just isn't
right, David," and then he would go about making it right. I
remember the DA he worked for for a long in Hancock County.
He used to refer to Ronny as a bulldog. That he was. Ronny and
I both had a very good mentor, and this name won't mean
anything to most of you except for my good friend from Hancock,
Senator Langley, Detective Ed Mandel from Northeast Harbor.
Ed was one of the very best Detectives that this state has ever
had. Ed told me just recently, from his perspective, Ronny was
one of the best cops that he ever knew and worked with. That's
quite a compliment coming from, to me, an icon like Ed Mandel.
Ronny wasn't always right. Ed reminded me of a time back in the
80s. When we were detectives back in the 80s we used to go to
work where the homicide investigations took us and stayed for
weeks at a time. That's the way you was able to get the job done.
There was one particular incident back in the 80s when they were
up in Aroostook County and Detective Mandel and Ronny were
sharing a room together. They'd been there for a couple of
weeks, hadn't been able to get home. Ed said that he came out
of the shower one morning, of course by that time they were
running short on clothes, and Ronny was wearing his pair of
brown pants. Ed insisted, "Those are my pants." Ronny insisted
that no, they were his. Ed said, "Call Sandra and find out."
Ronny called Sandra and Sandra informed Ronny that, "No, I
didn't pack your pants this time. Those are Ed's." That's the way
life was when you were on the road with Ronny. Ronny was an
exceptional husband and an exceptional father and a lover of
nature. It was my great pleasure to have known him, to have
worked with him, and I really appreciate this opportunity to speak
on behalf of him. Thank you, Mr. President.

On motion by Senator **BURNS** of Washington, **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Sandra Libby; Pamela Fowler; Chris Libby; Rhonda Nichols; Mary Ann Libby; Rosa Libby; Anna Libby; Maci Libby; Kyle Nichols; and William Nichols. They are the family members of Ronald Wayne Libby. Would they please rise and accept the condolences of the Maine Senate.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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.

In House, March 12, 2015, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

In Senate, March 17, 2015, on motion by Senator **CYRWAY** of Kennebec, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **CYRWAY** of Kennebec, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Non-Concurrent Matter

Bill "An Act Regarding Residential Drinking Water Arsenic Testing"

S.P. 328 L.D. 937

Committee on **JUDICIARY** suggested and ordered printed.

In Senate, March 19, 2015, on motion by Senator **McCORMICK** of Kennebec, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in **NON-CONCURRENCE**.

On motion by Senator **VOLK** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

House Papers

Bill "An Act To Implement the Combination Defined Benefit and Defined Contribution Retirement Plan Described in a Report Submitted to the Joint Standing Committee on Appropriations and Financial Affairs in March 2012"

H.P. 715 L.D. 1032

Bill "An Act To Authorize a General Fund Bond Issue To Stimulate Investment in Innovation by Maine Businesses To Produce Nationally and Globally Competitive Products and Services"

H.P. 722 L.D. 1053

Bill "An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings"

H.P. 738 L.D. 1069

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 Improve Maine's Juvenile Justice System"

H.P. 712 L.D. 1029

Bill "An Act To Increase the Safety of Amusement Rides" (EMERGENCY)

H.P. 726 L.D. 1057

Bill "An Act To Allow Certain Active Duty Military Personnel To Pay the Resident Application Fee for a Concealed Handgun Permit"

H.P. 737 L.D. 1068

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

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

Bill "An Act To Allow for Collaboration in Public Charter Schools"

H.P. 716 L.D. 1047

Bill "An Act To Allow School Administrative District No. 27 To Transfer Ownership of the St. Francis Elementary School to the Town of St. Francis" (EMERGENCY)

H.P. 717 L.D. 1048

Resolve, To Establish the Maine Summer Success Program

H.P. 733 L.D. 1064

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

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

Bill "An Act To Promote Community Broadband Planning and Strengthen Economic Opportunity throughout Maine"
H.P. 732 L.D. 1063

Comes from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

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

Bill "An Act To Better Coordinate the Work of Mental Health Crisis Agencies with Law Enforcement Agencies"
H.P. 713 L.D. 1030

Bill "An Act To Reimburse Nursing Homes for the Loss of Coinsurance and Deductibles for Skilled Nursing Beds under Rules Adopted by the Department of Health and Human Services"
H.P. 719 L.D. 1050

Bill "An Act To Feed Rural Citizens of the State"
H.P. 721 L.D. 1052

Bill "An Act To Provide Funding for Head Start Services"
H.P. 723 L.D. 1054

Bill "An Act Regarding Medical Marijuana Registered Testing Laboratories"
H.P. 727 L.D. 1058

Bill "An Act Relating to Marijuana Testing Facilities"
H.P. 728 L.D. 1059

Resolve, To Create the Commission To Study a Stable Continuum of Care for Persons with Intellectual Disabilities and Autism
H.P. 730 L.D. 1061

Bill "An Act To Enact the Vaccine Consumer Protection Program"
H.P. 739 L.D. 1076

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

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

Bill "An Act To Improve Snowmobiling in Maine"
H.P. 725 L.D. 1056

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

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

Bill "An Act To Amend the Law Regarding Temporary Powers of Attorney over Minors and Incapacitated Persons"
H.P. 734 L.D. 1065

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

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

Bill "An Act To Make Confidential the E-mail Addresses of Applicants for Department of Marine Resources Licenses"
H.P. 709 L.D. 1026

Committee on **JUDICIARY** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **MARINE RESOURCES**.

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

Sent down for concurrence.

Bill "An Act To Clarify Laws Concerning the Registration of Professional Engineers"
H.P. 711 L.D. 1028

Bill "An Act To Prohibit Fuel Temperature Compensation When Fuel is Dispensed to Outdoor Tanks"
H.P. 720 L.D. 1051

Bill "An Act To Support Housing for Homeless Veterans"
H.P. 731 L.D. 1062

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

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

Bill "An Act To Create an Elver Exporter's License"
H.P. 710 L.D. 1027

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

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

Bill "An Act To Allow a Municipality To Abate Taxes Assessed on Property That Is Destroyed"

H.P. 724 L.D. 1055

Bill "An Act To Strengthen Revenue Sharing"

H.P. 729 L.D. 1060

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

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

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway 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. 740 L.D. 1080

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

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

Bill "An Act To Provide for the Licensing of a Casino Owned by the Maliseet Tribal Government on Tribal Lands in Aroostook County"

H.P. 735 L.D. 1066

Bill "An Act To Protect the Maine Clean Election Fund"

H.P. 736 L.D. 1067

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

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

Bill "An Act To Preserve Agricultural Fairs" (EMERGENCY)

H.P. 707 L.D. 1024

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, **TABLED** until Later in Today's Session, pending **REFERENCE**.

COMMUNICATIONS

The Following Communication: S.C. 153

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

March 24, 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 Patricia G. Worth of Belfast, 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	10	Hobbins of Saco, Evangelos of Friendship, Ginzler of Bridgton, Guerin of Glenburn, Herrick of Paris, McCreight of Harpwell, Monaghan of Cape Elizabeth, Moonen of Portland, Sherman of Hodgdon, Warren of Hallowell

NAYS 0

ABSENT 0

Rep. Mitchell of Penobscot Nation was absent.

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 Honorable Patricia G. Worth of Belfast, 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 127th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#15)

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 **Patricia G. Worth** of Belfast 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. 154

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 23, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 355 An Act To Extend the Statute of Limitations for the Prosecution of the Crime of Robbery

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Kimberley C. Rosen
Senate Chair

S/Rep. Lori A. Fowle
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 155

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 23, 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 Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 44 Resolve, To Direct the Department of Education To Train School Personnel To Implement Dyslexia Awareness and Student Accommodation Policies

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. Victoria P. Kornfield
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 157

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

March 24, 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 Energy, Utilities and Technology has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 430 An Act To Assist Municipalities To Obtain
Payment of Overdue Sewer Bills

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. David Woodsome S/Rep. Mark N. Dion
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 156

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

March 23, 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 Environment and Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 467 An Act To Change the Borders of the Saco
River Corridor

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Thomas B. Saviello S/Rep. Joan W. Welsh
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 158

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

March 23, 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 Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 303 An Act To Improve Communications Regarding
Executive Sessions

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

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

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 159

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

March 23, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 167 An Act To Prohibit a Municipality from Holding a
Referendum To Legalize the Recreational Use
of Marijuana

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Michael J. Willette
Senate Chair

S/Rep. Roland Danny Martin
House Chair

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

The Following Communication: S.C. 160

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

March 23, 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 Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 367 An Act To Protect the Income of Service
Workers

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Earle L. McCormick
Senate Chair

S/Rep. Adam A. Goode
House Chair

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

The Following Communication: S.C. 161

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

March 23, 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 Veterans and Legal Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 225 An Act To Amend the Laws Governing the
Collection of Signatures for Referenda

L.D. 507 An Act To Allow Primary Petition Signature
Requirements To Be Proportional with Party
Enrollment

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

Sincerely,

S/Sen. Scott W. Cyrway
Senate Chair

S/Rep. Louis J. Luchini
House Chair

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

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

Senate at Ease.

Senate called to order by the President.

SENATE PAPERS

Bill "An Act To Create the Crime of Intentional Interference with Business Operations"

S.P. 383 L.D. 1096

Presented by Senator BURNS of Washington.
Cosponsored by Senators: DAVIS of Piscataquis, ROSEN of Hancock, SAVIELLO of Franklin, President THIBODEAU of Waldo, Representatives: FOWLE of Vassalboro, SHAW of Standish.

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 Improve the Integrity of Maine's Welfare Programs"

S.P. 384 L.D. 1097

Presented by Senator LIBBY of Androscoggin.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 143 L.D. 200

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-17)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-17)**.

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

READ ONCE.

Committee Amendment "A" (H-17) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act Making Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2015" (EMERGENCY)

H.P. 204 L.D. 286

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-19)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-19)**.

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

READ ONCE.

Committee Amendment "A" (H-19) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Limit the Information Required To Be Printed on Municipal Referenda Ballots"

H.P. 156 L.D. 224

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

WILLETTE of Aroostook
LIBBY of Androscoggin
WOODSOME of York

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
BRYANT of Windham
DOORE of Augusta
EVANGELOS of Friendship
GREENWOOD of Wales
NADEAU of Winslow
TUELL of East Machias
TURNER of Burlington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

PICKETT of Dixfield

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

Reports **READ**.

On motion by Senator **WILLETTE** of Aroostook, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass

Senator **WOODSOME** for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Allow the Resale of Electricity by Electric Vehicle Charging Stations"
S.P. 209 L.D. 593

Reported that the same **Ought to Pass**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **BURNS** for the Committee on **JUDICIARY** on Bill "An Act To Limit the Liability of Landowners Who Allow Recreational Climbing on Their Land"

S.P. 13 L.D. 12

Reported that the same **Ought to Pass**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator **WOODSOME** for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Charter of the Hampden Water District" (EMERGENCY)
S.P. 85 L.D. 216

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

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

READ ONCE.

Committee Amendment "A" (S-9) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Youth Cancer Risk"
S.P. 57 L.D. 123

Reported that the same **Ought to Pass**.

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HEAD of Bethel
HYMANSON of York
STUCKEY of Portland
VACHON of Scarborough

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

Signed:

Sensors:

BRAKEY of Androscoggin
MCCORMICK of Kennebec

Representatives:

MALABY of Hancock
PETERSON of Rumford
SANDERSON of Chelsea

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

SECOND READERS

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

House

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

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

House As Amended

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
(C "A" H-15)

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
(C "A" H-16)

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

Senate

Bill "An Act To Amend the Laws Regarding Noncommercial Foreign Vessels"

S.P. 73 L.D. 198

READ A SECOND TIME and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Bill "An Act Regarding Limitations on Certain Storm Water Fees"
S.P. 26 L.D. 78
(C "A" S-4)

Bill "An Act To Strengthen the Craft Beer Industry"
S.P. 39 L.D. 102
(C "A" S-8)

Bill "An Act To Standardize Pints of Beer Sold in Maine"
S.P. 55 L.D. 122
(C "A" S-7)

Bill "An Act To Stay Certain Suspensions Imposed by the Secretary of State Pending Appeal"
S.P. 83 L.D. 214
(C "A" S-5)

Bill "An Act To Amend the Shoreland Zoning Laws To Exempt Certain Walkways and Trails from Setback Requirements"
S.P. 122 L.D. 307
(C "A" S-6)

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.

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 (3/24/15) matter:

Resolve, To Allow a Federally Recognized Indian Tribe To Conduct a Pilot Project in Hemp Cultivation
H.P. 688 L.D. 993

Tabled - March 24, 2015, by Senator **BURNS** of Washington

Pending - **REFERENCE**

(Committee on **JUDICIARY** suggested and ordered printed.)

(In House, March 19, 2015, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.)

On motion by Senator **VOLK** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in **NON-CONCURRENCE**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/24/15) matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Ensure Proper Funding for Teacher Retirement"

H.P. 54 L.D. 60

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-14)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - March 24, 2015, by Senator **LANGLEY** of Hancock

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, March 19, 2015, 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).**)

(In Senate, March 24, 2015, Reports **READ**.)

On motion by Senator **MILLETT** of Cumberland, 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 Cumberland, Senator Millett.

Senator **MILLETT**: Thank you, Mr. President. Ladies and gentlemen of the Senate, the State of Maine consciously decided to put in place a State Retirement Fund in lieu of utilizing Social Security for public school teachers. Local districts did not set up this system, nor did they have say in whether this should happen. This remains the case today. The Retirement Fund is run by the State and school districts have no input into its management. In the proposed biennial budget local share of normal retirement costs jumped 24% for fiscal year 2015. This is an increase of \$7.5 million and will jump again an additional \$8.8 million for fiscal year 2016. No explanation has been given for these increases. State aid to districts does not cover the costs. As proposed in the budget, the cost of education increases \$68 million and the General Purpose Aid from State funding only goes up \$20 million. Local property taxpayers will need to pick up the additional \$48 million, yet local property taxpayers have no say in the management of the Retirement System. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY**: Thank you, Mr. President. Men and women of the Senate, we've had long debates about this issue, but I'd like to give you a little more personal perspective, having taught

27 years for the City of Ellsworth: hired, taught, and retired from the City of Ellsworth and very proud to be an employee of the City of Ellsworth. That's really where I kind of come down on this. My colleagues, fellow teachers, were actually, indeed, employees of the City of Ellsworth, just as the fire department and the police department and the municipal offices of Ellsworth. Really what cemented my vote in support of this was one of my former bosses, a Superintendent, and he told me this first-hand and was actually quite proud of it, in the last three years of his contract before retirement he had asked the School Board, and the School Board had done it with their permission, to be provided no benefits and an increase in salary by the cost of the benefits and then allow him to purchase those benefits out-of-pocket. The reason why? They would bump up his last three years of his salary in order to ride off into the sunset with a higher retirement income. Why would the School Board agree to that? Because the State was going to pick it up. That willingly happened in more than one occasion. I believe that costs are where I believe they should be because they work for the local municipality. Those kinds of agreements wouldn't be likely to happen, that they would sort of artificially bump up salaries in order to ride off into the sunset with a higher retirement. Therefore, I will be supporting the Ought Not to Pass Report. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley, to Accept the Minority Ought Not to Pass Report, in Non-Concurrence. 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 (#16)

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

NAYS: Senators: **ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WOODSOME**

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/24/15) matter:

SENATE REPORTS - from 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

Majority - **Ought to Pass** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - March 24, 2015, by Senator **VOLK** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report

(In Senate, March 24, 2015, Reports **READ**.)

On motion by Senator **PATRICK** of Oxford, 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 Oxford, Senator Patrick.

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, the purpose of licensing certain mechanical trades requires contractors and tradespersons who perform work and process piping in refrigeration, heating, ventilation, air conditioning, pipe fitting, fire sprinkler, and sheet metal trades to meet minimal industrial standards for education, training, experience, and skill competency to perform their jobs as proficiently and as safely as possible. This legislation attempts to specify the experience and educational requirements that must be satisfied before DPFR can issue journeyman, apprentice, or contractor licenses for refrigeration, air conditioning, pipe fitting, sprinkler fitting, and sheet metal. Sheet metal workers, HVAC technicians, pipe fitters, and fire protection sprinkler fitters perform work that is often integral to the public places where we live and work. It is critical for the persons performing this work to have the skills and knowledge to perform the work in order to protect the public. The mechanical contracting industry is made up of highly skilled trades requiring the persons contracting for and performing this work to be licensed and will improve safety and productivity, making the act a good business policy for the state. This bill is progressive, over-thinking legislation that will benefit the state, its residents, and mechanical contracting industry by ensuring that work done in Maine is performed by contractors and tradespeople that have the education, skills, training, and experience to their work safely and effectively. If we pass this bill both our workers and our consumers will be protected. Maine people need to be sure they are getting what they pay for and setting standards in these fields will help towards that goal. In my real life, ladies and gentlemen, I was a licensed boiler tube welder. In that capacity it's probably one step above a lot of regular welders who do normal welders. The difference between that is if you don't have licensed people welding within the boiler there could be massive explosions. I was extremely happy to have that license when I did have it, I'm a little bit older now and I don't have the eyes to see the way I did. It meant something important to me because I had to meet that standard that would protect anyone that was

within the scope of high pressure, or even low pressure, boilers. There was a sunrise review that was done in 2009. The trades have said since that original sunrise review in 2009 that they didn't believe that everything was taken into account when that review was done to make sure as to whether or not they would receive licensure. You know, ladies and gentlemen, I do agree with what they looked at because when one does a sunrise review, and I will compliment Commissioner Anne Head has done great work and I'm proud to have her on the Labor, Commerce, Research and Economic Development Committee to testify all the time., but there are times when one whose within the trades understands that there are things that laymen might overlook. I think this is a good example of the things that, from my knowledge and understanding of the crafts and trades, it's warranted and I would ask that you would vote against this motion and turn around and pass it. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, if this bill sounds familiar it's because it's one that we have, those of us who have been around for a while, heard more than once. In fact, as the good Senator from Oxford referred to, this legislation, with the exact same wording, was passed by the 124th Legislature and in 2010 they published their findings after a detailed analysis, put together by the Department of Professional and Financial Regulations. I just want to read to you the purpose of the sunrise review. "It is a tool for State policy makers to systematically evaluate proposals to establish new regulatory requirements for a previously unregulated profession or expand the scope of practice of a regulated profession. The purpose of the review is to analyze whether the proposed regulation is necessary to protect the health, safety, and welfare of the public." Those of you who aren't familiar with our committee, that is the kind of work that we are frequently considering when we look at whether or not we should be licensing a new profession. I just wanted to say that the members of this review process, the sunrise review which occurred in 2009 and was published in 2010, commissioned by this exact legislation in the 124th Legislature, there was a representative from Maine Pulp and Paper; a representative from Kinetics, which is a plumbers and pipefitters union shop; a representative from the State Fire Marshal; Plumbing, Heating, and Cooling Contractors' Association out of Danvers, Massachusetts; another union shop of plumbers and pipefitters; John Napolitano, who actually came in and testified on this bill; a representative from Associated Builders and Contractors; as well as an associate from Dean and Allen in Gray, Maine. These were not just members of the public who have no education or no experience in these fields. I guess that's my point in reading to you who was part of that. This review was conducted, as I said, it was the exact same language. One of the most compelling arguments that we heard in committee that proponents make is that specialized skills are required of sprinkler contractors to ensure public safety and, therefore, they should be licensed. However, the Department of Public Safety already licenses those people who install our sprinkler systems. Additionally, the installation of sprinkler systems must adhere to a very strict national safety code. The other mechanical trades this Resolve proposes to have the Department review, again, are pipefitters, sheet metal workers, refrigeration, and HVAC. None of those met

the criteria in 2009, 2010, and they still don't meet the criteria. I would suggest that things have not changed all that much and that we need to permit our Department to get on with the business of regulating those professions which are already being regulated, making sure that the people that are doing that work are doing them efficiently and up to safety standards. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk, to Accept the Minority Ought Not to Pass Report. 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 (#17)

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

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

ABSENT: Senator: WILLETTE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Thursday, March 26, 2015, at 10:00 in the morning, in memory of and lasting tribute to Ronald Wayne Libby of Sorrento.