

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 3, 2014

beginning at Page 1

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

In Senate Chamber
Thursday
May 7, 2015

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

Prayer by Reverend Kim Shrader, Winslow Congregational
Church, United Church of Christ in Winslow.

REVEREND SHRADER: Let us be a people of prayer. We
gather this morning to do the work of the State. We gather to
work together to find a way. We gather to do what is best for the
people of Maine, looking for the welfare, the peace, the prosperity
that all seek, paving the way forward, that we may all live in
harmony together. We pledge ourselves this day to be people of
peace and justice, to be people who work for the best for
everyone. As we move forward we ask that all of the love of the
universe be present and surround this assembly. We lift up this
prayer in the name of all that each of us holds holy and sacred.
Amen.

Pledge of Allegiance led by Senator David Woodsome of York
County.

Reading of the Journal of Wednesday, May 6, 2015.

Doctor of the day, Leigh Ann Higgins, MD of Cape Elizabeth.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **MASON** of Androscoggin, the following Joint Order:
S.P. 517

Ordered, the House concurring, that when the Senate and House
adjourn, they do so until Tuesday, May 12, 2015 at 10:00 in the
morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding the Treatment of Forensic Patients"
H.P. 941 L.D. 1391

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**
suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on
HEALTH AND HUMAN SERVICES.

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

Bill "An Act To Amend the Laws Governing High School
Graduation Requirements"

H.P. 940 L.D. 1386

Comes 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 Amend the Maine Medical Use of Marijuana Act"
H.P. 942 L.D. 1392

Comes 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 Regarding the Work Permitting Process for Minors"
H.P. 943 L.D. 1393

Comes 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.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

ORDERS**Joint Order**

Expression of Legislative Sentiment recognizing:

James Rier, of Topsham, who is retiring as Commissioner of Education. Mr. Rier served 2 terms on the State Board of Education, for which he served as chairman for 6 years, before joining the Department of Education as director of finance and operations in 2003. He was named deputy commissioner in 2011 and was nominated for the position of commissioner by Governor Paul LePage in January 2014, receiving unanimous support from the Legislature for his confirmation. He earned respect in Augusta for his professionalism and expertise in state-level public school finance issues, as well as for his passion for education. Prior to his time with the department, he was president of Rier Motors Company in Machias for 25 years. He also served on the boards of Bangor Hydro Electric Company, the Maine Community Foundation, the Regional Medical Center at Lubec and the Washington County Education and Economic Development Alliance. We extend to Mr. Rier our congratulations on his retirement and our best wishes;

SLS 441

Sponsored by Senator LANGLEY of Hancock.
Cosponsored by Senators: BAKER of Sagadahoc, EDGECOMB of Aroostook, MILLETT of Cumberland, Representatives: DAUGHTRY of Brunswick, FARNSWORTH of Portland, HUBBELL of Bar Harbor, KORNFIELD of Bangor, MAKER of Calais, McCLELLAN of Raymond, PIERCE of Falmouth, POULIOT of Augusta, STEARNS of Guilford, TEPLER of Topsham, TIPPING-SPITZ of Orono.

READ.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I rise today to recognize Jim Rier on the occasion of his retirement from the Department of Education and truly it's been a great honor to work with Jim over the past five years. Jim, as many of you may know, is the resident and original guru of the Essential Programs and Services Funding formula for the State of Maine. The funding formula comes under fire each and every session. There doesn't seem to be any district that is truly happy with it, which is probably the sign of a good system. In fact, in the 125th Legislature we commissioned an outside review of the funding formula which determined that, in Maine, the funding formula is an equitable way to fund the learning results. For those of us that have been on the committee, Jim will forever be known for his salmon colored graph of education spending over time in Maine. You haven't lived until you've sat through a briefing on the funding formula that often times leaves you more confused about how it all works then when you started. Jim

understands every single component of that and knows how it all really works together in support of students.

It's one thing to be known for great technical abilities and it's another to be known as a true gentleman. I've never heard a single bad word used to describe Jim Rier. His soft spoken manner is greatly appreciated by all who know him and have worked with him and for him in the Department of Education. Jim's passion for education has strong Downeast roots. He was the President of Rier Motors Company in Machias for 25 years, which gave him a ringside view of the value of education in rural Maine and shaped his passion for kids. Again, as was just noted, he served on many boards and commission. On behalf of the Education Committee members who are in the other Body and who aren't here today, we want to wish him all the best in his retirement and it's our greatest wish that we still can draw upon his knowledge on a case-by-case basis, and I called him as little as a few days ago for some help, so he's willing to do so. Thank you, Mr. President and men and women of the Senate.

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, "It's all my fault." I had an opportunity, after I served in the first time around in the House, to work for Governor Angus King and the job that I had was to be the Director of Appointments to Board and Commissions for the Governor. Least you think that this is about me, Governor King came to me one day and said, "I heard about this guy up in Machias. Really cares a lot about education. He understands the rural parts of our state. He understands about education, but he owns this car dealership. Why don't you call him, Ann, and see if you can convince him to be on the Board of Education?" That was my job. Jim and I have often smiled about this because it took more than one call, but that was my job and he finally agreed to come down and stand for confirmation as a member of the Board of Education, which was the first time that he began his public service to the Department of Education here in the State of Maine. Often, as his career changed and he became the Commissioner, there would be a really bad day in Education and he would see me in the halls and he would look at me and say, "It's all your fault." I accepted that with great pleasure because it's been such a delight to work with Mr. Rier, to know him personally, to know what it meant for him to make the commitment that he did to move from that position and to move his career from Machias down here to Augusta to serve people all across the state of Maine. He's a true public servant, a true gentleman, and I wish him all the best in his retirement.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd be remiss if I didn't stand on my feet and say a few words about Mr. Rier, as I did when we confirmed him here. As you noticed, he's from Machias and the name Rier is a very prominent name in that area and that family has done great things for that community, as has Jim Rier himself. Since I've been in the legislature anytime I've had an issue or concern with a constituent regarding education I've been able to call Mr. Rier and he's always been very, very patient to explain the facts to me. Probably had to take a little more time with me than he

would a normal legislator. I'm a little thick sometimes, but he was always patient to explain things. Again, as I mentioned before, he's a man of many talents. Many times I've taken my carburetors to Jim Rier and he's fixed them for me and got my boat back in the water. I'm going to congratulate him on his retirement and wish him well. Thank you, Mr. Rier.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today to speak about Jim Rier. I first met Jim over ten years ago as a school board member when we were struggling to understand the deep dark mysteries of the 279s. Those are, for those who don't know, the annual indication of how much school funding is going to be given, sent to your district. We all marched up here to Augusta for the meeting with the man behind the curtain and I think he gave us over two hours of his time. We were relentless. We were unwilling to accept that what was sent to us was accurate, but he sat there, he answered every question calmly, patiently. Since then my respect for Mr. Rier has grown even deeper. As was mentioned earlier, he is famous for his knowledge of the Essential Programs and Services Funding Formula. He is a master of the labyrinth of inputs, weights, adjustments, spreadsheets, and, as was mentioned earlier, the infamous salmon colored graph. He is more than that. His commitment and passion to the education of our children is unbounded. His professionalism is constant. His willingness to meet with anyone about any issue is renowned. The State of Maine has been so fortunate to benefit from his gifts and his dedication and I am sure we will continue to do so. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, over ten years ago I also met Jim Rier. At the time we were in the battles of EPS and transportation. I can remember specifically meeting upstairs on the fourth floor and I, unbelievably, was quite animated and quite excited about what was happening to school district number nine. Jim remained very calm and collective. Later we went through the consolidation. Not to say that it would work or wouldn't work, the proof is in the pudding, but Jim was one who carried on with our rural caucuses. We worked through those issues, again, calm, cool, and collective, and giving us, providing us, valuable information to make a good decision. He was always a person I could call, whether he was the Commissioner or not the Commissioner, and get a straight answer. He was willing to help, as we've heard, willing to meet with one person, that's all it took, to answer the question. Jim, you're a fine gentleman, even though I found out when your confirmation took place you were a former car salesman but I don't hold that against you and never will. I've enjoyed working with you. Maybe we'll have the opportunity to do so again and I know you'll enjoy your retirement. You're a fine man.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you, Mr. President. Men and women of the Senate, I just wanted to rise just for a moment to say

congratulations to Commissioner Rier on his retirement. The last time the Senator from Cumberland, Senator Alfond, and I were seatmates we were on the Education Committee together in the 125th Legislature. As a freshman member, it was daunting, to say the least, to be a Chair and to be a member of another committee. Commissioner Rier was one of those people that made serving on that committee a little bit easier by explaining how important all the formulas that we have in education are and why they are the way that they are and how to navigate through that system. He was always very generous with his time for me and for the committee. His knowledge will be missed and I would say congratulations, Commissioner Rier, on your retirement. It's well deserved, well earned, and thank you for your commitment to not only the people of the state of Maine but to the kids of the state of Maine.

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

Senator **DIAMOND:** Thank you, Mr. President. Men and women of the Senate, I just am rising to say thank you to Jim Rier. Because of my association with Sue Gendron, the former Commissioner of Education, I had a chance to work with Jim on many, many issues that pertain to my Senate District at the time and it was very, very contentious. Having been 20 years as a teacher, principal, and superintendent, I thought I understood all of that, but I found out after talking to Jim I really didn't and he did. I really appreciate his ability to take us through some real rough times in SAD 61, where high property values and low income, very many frustrated people, and rightly so, and then the RSUs. I really appreciate all Jim has done and I wish him well and thank him for his help to my constituents and to the State of Maine. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Collins.

Senator **COLLINS:** Thank you, Mr. President. Jim Rier was, I think, the only person in the state of Maine that fully understood the school funding formula. I was privileged to represent, at one time, half of the Town of Ogunquit when I was in the House and all of the Town of Wells. The school funding formula between these two towns, as well as the State formula for providing funding, nobody completely understood it and they all looked to me and said, "Well, Ron, certainly you understand it." I go, "Well, not really, but I know somebody that does. I heard about this guy named Jim Rier." I invited Jim Rier down to speak to us in the auditorium and it was a very warm evening and it was doubly, triply, warm inside. Everybody was kind of going at each other and Jim walked in with his calm, cool demeanor and answered all the questions and the meeting went on for a couple of hours. By the time we all left everybody seemed to be satisfied. Jim, you're going to be missed by a lot of folks in the state of Maine and, yes, I would buy a used car from you. Thank you.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it is quite an honor to get up and speak about Mr. Rier and I think you've heard a lot of great, great characteristics of Mr. Rier. He's patient. He's intelligent. He's

dedicated. He's professional. He's kind. He's always putting our children first. You can really trust Mr. Rier and you also know, with that trust, that he's following the laws. I had to dig a little deeper and so I did some research and, as we all know, Mr. Rier, before being brought down to Augusta by the good Senator from Cumberland, worked and owned a General Motors dealership. Apparently, as the story goes, Mr. Rier one day was driving a new Corvette. For those of you up in Machias, you know Six Mile Lake and the Six Mile Lake Road. It's a very curvy road between Machias and Route 9. Amazingly, this person, that now we've talked about for ten plus minutes or more, was doing 94 miles an hour in a 55. Well, the Trooper who pulled over Mr. Rier clearly hadn't been around very long because he didn't recognize Mr. Rier and he was really angry. Finally I guess he said his name a couple more times, last name, and he finally recognized Jim and he said, "You know, Jim, what the hell are you doing?" If you know Mr. Rier, he's very deadpan and he goes, "You know I didn't feel like I could sell the car without actually testing the merits of the factory specifications." Amazingly, Mr. Rier was let off without a ticket and maybe he was even driving down to Augusta. I can't thank Mr. Rier enough for everything that he's done to help children, help students, and help the State of Maine be stronger. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Edgcomb.

Senator **EDGEComb**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I first met Jim Rier when I was Superintendent at Jonesport-Beals and we needed a driver's ed car. I approached him at his dealership and he graciously allowed us, each year that I was there, to have a driver training car. That's an indication of the kindheartedness of this gentleman. Then he invited me attend a board meeting, where he was Chairman of the school board in Machias. He wanted to know how we put Beals Island and Jonesport Elementary Schools together for the high school and how the funding went on that. That's probably the last time that I knew only a little bit more than Jim about school funding because, as I worked in the legislature with him, I literally had hundreds of questions and he always was able to come up with answers. I just want to take this opportunity to wish him all the best and how much the State of Maine appreciates his knowledge of that school funding formula. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Jim Rier and his guests. Would they please rise and accept the greetings of the Maine Senate.

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

Off Record Remarks

Joint Resolution

On motion by Senator **MASON** of Androscoggin, under unanimous consent on behalf of President **THIBODEAU** of Waldo (Cosponsored by Representative **SHORT** of Pittsfield and Senators: **CUSHING** of Penobscot, **VOLK** of Cumberland, **WHITTEMORE** of Somerset), the following Joint Resolution:
S.P. 518

JOINT RESOLUTION RECOGNIZING MAY 3 TO MAY 9, 2015 AS MAINE SAFETY WEEK

WHEREAS, every year, more than 80,000 workers suffer an injury on construction job sites across the United States and one incident is one too many; and

WHEREAS, safety should be the number one focus in the construction industry; and

WHEREAS, over 40 national and global construction firms constituting the Construction Industry Safety Initiative, or CISI, and the Incident and Injury-Free, or IIF, Forum, as well as the National Association of Minority Contractors and Women Construction Owners and Executives USA, have joined forces to inspire everyone in the construction industry to be leaders in safety; and

WHEREAS, companies across the country have banded together to create and celebrate the 2nd United States Industry Safety Week, running this year from Sunday, May 3rd, to Saturday, May 9th; and

WHEREAS, expanding the focus of Industry Safety Week to encompass not just safety issues pertaining to the construction industry but safety issues more generally would benefit citizens of the State as well as for-profit businesses and nonprofit organizations throughout the State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to proclaim May 3 to May 9, 2015 Maine Safety Week and urge citizens of the State to use safe practices at the workplace, in the home and on the road; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the corporate offices of Cianbro in Pittsfield.

READ.

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

Senator **CUSHING**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today just to briefly bring some important focus on this Joint Resolution recognizing this week as Maine Safety Week. There are over 80,000 workers who suffer injuries on construction jobsites across the United States. We all

know that one incident is one too many. It's important that we take this time to recognize the dedication of many employers, small businesses, and non-profit organizations across the country that strive to protect their most valuable asset, which is their worker. Raising the consciousness of the importance of working smart and working safely is critical, as all of us who employ people know. Taking this week to set aside and recognize the importance of safety, I think, is critical to furthering that cause of making sure that men and women of our state go home to their families in the same shape that they left in the morning. Without further ado, Mr. President, I want to thank you for the opportunity to stand and speak to this important issue and I encourage all of us to reflect on how critical safety is to our lives and those that we care about. Thank you.

On motion by President **THIBODEAU** of Waldo, **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow the Electronic Transfer of Marriage Certificates"
H.P. 97 L.D. 139

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.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase Funding for the Maine Community College System"
H.P. 838 L.D. 1220

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-107)**.

Signed:

Senator:
MILLETT of Cumberland

Representatives:
KORNFELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland

HUBBELL of Bar Harbor
PIERCE of Falmouth
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
STEARNS of Guilford

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-107)**.

Reports **READ**.

On motion by Senator **LANGLEY** of Hancock, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Provide Lower Energy Costs to Maine Businesses and Residences by Carrying Out the Legislature's Intent Regarding Funding of the Efficiency Maine Trust"
H.P. 833 L.D. 1215

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-113)**.

Signed:

Senators:
WOODSOME of York
HILL of York

Representatives:
DION of Portland
BABBIDGE of Kennebunk
BEAVERS of South Berwick
DeCHANT of Bath
DUNPHY of Embden
GROHMAN of Biddeford
HIGGINS of Dover-Foxcroft
O'CONNOR of Berwick
RYKERSON of Kittery

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

Signed:

Senator:
MASON of Androscoggin

Representative:
WADSWORTH of Hiram

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-113)**.

Reports **READ**.

Senator **WOODSOME** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senate

Change of Committee

Senator **BRAKEY** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow the Release of Child Protective Records to Certain Providers of Child and Adult Services"

S.P. 443 L.D. 1238

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

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

REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Recovery of Emergency Response Costs Related to an OUI Offense"
S.P. 335 L.D. 944

Reported that the same be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFKY of Cumberland

Representatives:

FOWLE of Vassalboro
DAVITT of Hampden
GERRISH of Lebanon
LAJOIE of Lewiston
LONG of Sherman
THERIAULT of China
TIMMONS of Cumberland
WARREN of Hallowell

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

Signed:

Representatives:
CHENETTE of Saco
NADEAU of Winslow

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, the Majority Report **ACCEPTED** and the Bill **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

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 (4/28/15) matter:

Bill "An Act To Create the Put ME To Work Program"
H.P. 932 L.D. 1373

Tabled - April 28, 2015, by Senator **VOLK** of Cumberland

Pending - **REFERENCE**

(In House, April 28, 2015, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.)

Off Record Remarks

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/29/15) matter:

An Act To Improve Attendance at Public Elementary Schools
S.P. 126 L.D. 311
(C "A" S-22)

Tabled - April 29, 2015, by Senator **LANGLEY** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-22).**)

(In House, April 28, 2015, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

The Chair laid before the Senate the following Tabled and Later Assigned (4/30/15) matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Lower the Age Requirement To Run for Legislative Office
S.P. 28 L.D. 80

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-54)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - April 30, 2015, by Senator **BRAKEY** of Androscoggin

Pending - **FURTHER CONSIDERATION**

(In Senate, April 28, 2015, on motion by Senator **WHITTEMORE** of Somerset, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, April 29, 2015, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-54)**, in **NON-CONCURRENCE**.)

On motion by Senator **BRAKEY** of Androscoggin, the Senate **RECEDED** from whereby it **ACCEPTED** the Minority **OUGHT NOT TO PASS** Report.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (S-54) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **BRAKEY** of Androscoggin, Senate Amendment "A" (S-71) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. Member of the Senate, I'll be very brief on this. As some may recall, this Body voted against this bill, which would have lowered the age to run for the Legislature for both the House and the Senate. This amendment simply changes that and strikes out all the language about changing it for the Senate. When we sent the bill to the House it was unanimously adopted and sent back to us. Since on their first initial vote the House seemed to be open to consideration the change for their Body, this amendment would simply strike out that language, give the House an opportunity to vote on a just a straight bill that just would affect their Chamber. I would hope that the members of this Body would stand with me to send this to the House and let them have an opportunity to vote on this amendment. Thank you very much.

On motion by Senator **BRAKEY** of Androscoggin, Senate Amendment "A" (S-71) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-54) AND SENATE AMENDMENT "A" (S-71), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (4/30/15) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Control Fireworks in Monhegan Island Plantation"
H.P. 218 L.D. 324

Majority - **Ought to Pass** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - April 30, 2015, by Senator **ROSEN** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 29, 2015, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, April 30, 2015, Reports **READ**.)

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

Senator **JOHNSON:** Thank you, Mr. President. On this bill, Representative Devin has submitted this legislation at the request of the Monhegan Island Plantation assessors and the assessors of Monhegan Plantation report that they have held, on April 30th, a special meeting for the residence in which they voted not to proceed with the fireworks ordinance. On that basis and the request of the bill's sponsor, I move acceptance of the Ought Not to Pass Report.

On motion by Senator **JOHNSON** of Lincoln, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/5/15) matter:

An Act To Extend the Protection of Municipal Shellfish Conservation Programs (EMERGENCY)
S.P. 164 L.D. 435
(C "A" S-40)

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

Pending - **CONSIDERATION**

(In Senate, April 21, 2015, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, May 5, 2015, Veto Communication (S.C. 272) **READ** and **ORDERED PLACED ON FILE**.)

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

Senator **GERZOFSKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, today's going to be brief. Today is going to be low keyed because I left my voice yesterday. I want

to remind the Chamber, and I won't speak about what happened at the other Body and break our rules but I will speak about what's happened in this Chamber and in the committee. We had two work sessions that were a positive vote at the end. We had the Commissioner of Marine Resources come in and help us work this bill and tighten it up. We also brought it into this Chamber and we voted in a unanimous fashion both times. It went under the hammer the first time, had a roll call the second time. I'm sorry that the Chief Executive has decided to use his vote, which is much stronger than mine, in dealing with this matter, but I want to make sure that we all understood what this did. It gave protection to our municipalities while trying to combat that wily little critter, the Green Crab, who are running around and eating up all of our clams. If we'd like to have clams this summer and next summer we should be doing something about it now. Obviously we aren't going to. We'll still be able to make it through as a state. The sky is not going to fall. I wanted to get up today, Mr. President, and I thank you very much for giving me that opportunity. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Baker.

Senator **BAKER:** Thank you, Mr. President. What Senator Gerzofsky says is absolutely true. It did go through committee. It was unanimous. It looks like a really good bill, and it was at the time. It was not Enacted as timely as we had hoped. Since that time the conditions of the bill have been violated. The bill directs reporting out on study areas regarding the clam flats and that has been violated. There is no means of getting valid, justifiable information out of the studies. The clam flats have been reseeded and extended, both of which are against the conditions of the bill. I certainly would urge us to uphold the Governor's veto.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#55)

YEAS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFSKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, and 16 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/5/15) matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Provide Tax Credits for Adult Day Care and Respite and Hospice Care"

H.P. 536 L.D. 787

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-95)** (2 members)

Tabled - May 5, 2015, by Senator **McCORMICK** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 30, 2015, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-95)**.)

(In Senate, May 5, 2015, Reports **READ**.)

On motion by Senator **MCCORMICK** of Kennebec, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-95) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **SAVIELLO** of Franklin, Senate Amendment "A" (S-72) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-95) AND SENATE AMENDMENT "A" (S-72), in NON-CONCURRENCE

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/6/15) matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Recognize and Provide for the Right To Hunt for Sustenance in Aroostook County for Maliseet and Micmac Tribal Members and Disabled Veterans"

H.P. 607 L.D. 888

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-106)** (2 members)

Tabled - May 6, 2015, by Senator **DAVIS** of Piscataquis

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 5, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 6, 2015, Reports **READ**.)

Senator **DAVIS** of Piscataquis moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **DAVIS:** Thank you, Mr. President. Ladies and gentlemen of the Maine State Senate, this bill will give 33 moose permits to the Maliseet and Micmac tribes in Aroostook County. It will also give 33 bear permits and it would also give 33 moose permits and 33 bear permits to disabled veterans. The bottom line of this, Mr. President, is that we simply don't have it to do. We cannot afford this. Permits given for moose hunting have gone down. Three short years ago 4,000 permits were issued. This coming year 2,740 are going to be issued. That is a steep decline. There are a whole bunch of reasons for it. The moose herd is in bad shape. The disease. The ringworm. Ticks. On and on. The bottom line is that there are only 2,740 permits being given. As I just said, a steep decline. These folks can, as all Maine citizens can, apply for one of the 2,740 permits. They are free to do so. Last year there was one application from these folks, these tribes. Just one, so I'm told. If we support this bill, and if this goes forward, that means 66 moose permits come out of the lottery. That means our fellow citizens that want to apply for one have less of a chance of getting one. As I said, these folks can apply just like the rest of us can. Thank you, Mr. President, and I would urge my colleagues to support my motion.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, I ask you to join me in defeating the pending motion. Not all tribes have the same area to hunt. The Houlton Band of Maliseets and the Aroostook Band of Micmacs have small reservation areas compared to their numbers. The tribes have recognized that adopting a processed food diet has led to obesity, heart disease, and diabetes, as we have pretty much noticed all around the state. They wish to expand the pursuit of the sustenance diet that served them well for thousands of years. They have special status in certain areas of law, and it

gets cloudy sometimes, but if you join me in defeating this motion I will share my ideas of how to accomplish this goal. Thank you for your consideration and I request a division. Thank you, Mr. President.

At the request of Senator **MIRAMANT** of Knox a Division was had. 24 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **DAVIS** of Piscataquis to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later Assigned (5/6/15) matter:

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Restore Consumer Rate Review for Health Insurance Plans in the Individual Market" H.P. 175 L.D. 243

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-104)** (7 members)

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

Tabled - May 6, 2015, by Senator **WHITEMORE** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 5, 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-104)**.)

(In Senate, May 6, 2015, Reports **READ**.)

Senator **WHITEMORE** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise today urging my colleagues to defeat the motion now before us on L.D. 243. As I'm sure you know, the IFS Committee spends a great deal of time on the issue of insurance and its regulatory insight. There's oversight. There's always a balance. We're trying to get it right. If you have too much regulation the whole system here of insurance would grind to a halt in Maine. We wouldn't have carriers. The red tape would overtake us. On the other hand, if you go the other way and there is too little oversight of insurance, the rates go up and who suffers? The patient. The patients pay more. People do not get healthcare. The Bureau of Insurance currently determines what is called "reasonable" in terms of rates. I ask you: what is a reasonable rate when it comes to insurance companies? The consumer, the patient's needs, and input. We've been dealing with this for a long time and I think this bill does a good job, the Majority Report out of the committee, at making a determination of what is reasonable. The amended bill

meets the standards of our committee, of our long discussion with the Insurance Commissioner, and what it will do is it'll list reasonable rate increases by insurance companies of 2% over the rate of medical inflation per year. Two percent over so there would be adequate profit, there would be an adequate way for carriers to be covered, and, an example of this, in 2011 Anthem asked for a rate increase of 9.7%, which was legit under the current rules. We can have a rate increase up to 10% currently without triggering a Bureau of Insurance investigation. The Bureau felt that that was too much at that time, as did consumers, and they finally figured on a rate increase of not 9.7% but rather 5.2%. Maine patients, Maine consumers, saved \$3 million at that time. The issue here is affordable healthcare. We all need healthcare. We don't want to be paying so much for it. Healthcare should not be a major profit industry. We need transparency. Therefore, I ask you to vote with me. Mr. President, I ask for a roll call. Thank you, sir.

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

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Whittemore.

Senator **WHITEMORE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, the rate review process was amended in the 125th Legislature to a more efficient and better review process. This bill attempts to repeal current law, which is working very well, back to the old. The current review process by the State Insurance Bureau makes sure that insurance companies don't over charge for their products and if they do there are heavy penalties and fines, along with the return of premium dollars to the policy holders. This bill is not necessary and attempts to compound the transparency process. I ask that you support the motion on the floor. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Whittemore, 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 (#56)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **WHITEMORE** of Somerset 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 (5/6/15) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Preserve Jobs and Primary Care Services in Rural and Underserved Areas of Maine" S.P. 341 L.D. 969

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-68)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - May 6, 2015, by Senator **BRAKEY** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 6, 2015, Reports **READ**.)

On motion by Senator **BRAKEY** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-68) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Regarding Educational Standards for Maine Students" H.P. 946 L.D. 1396

Comes 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.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 948

ORDERED, the Senate concurring, that Bill, "An Act To Require Removal of Mooring Equipment," H.P. 21, L.D. 22, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ and **PASSED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 947

ORDERED, the Senate concurring, that Bill, "An Act To Ensure Maine's Elver Fishermen Can Fully Access Maine's Elver Resource," H.P. 240, L.D. 353, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ and **PASSED**, in concurrence.

Off Record Remarks

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

On motion by Senator **KATZ** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, May 12, 2015, at 10:00 in the morning.