

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

Second Regular Session
beginning January 6, 2016

beginning at Page 1434

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

In Senate Chamber
Thursday
January 14, 2016

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

Prayer by Rabbi Erica Asch, Temple Beth El in Augusta.

RABBI ASCH: This week, in the Jewish tradition, we read the beginning of the dramatic story of the Israelites' escape from slavery in Egypt. The biblical text tells about how Moses and his brother, Aaron, go to the leader of the Egyptians, who is simply called Pharaoh, and asks that the Israelite people be allowed to leave Egypt, but Pharaoh will not listen. God sends ten plagues, each more terrible than the last, but, again and again, we read that Pharaoh hardened his heart. Even when miracles appeared before him, Pharaoh was unable to see the error of his ways. He is the epitome of one whose heart is closed and who is unable to change.

Many years later we meet a prophet named Jonah who calls to the people of Ninevah to repent. We read that the King of Ninevah immediately takes off his robe and sits in sackcloth and ashes, a sign of mourning for all his wrongdoing. He orders his people to repent of their wicked ways and to ask forgiveness, and it works. God sees that the people truly repent and the city is saved. In a collection of midrashim, which are stories that are written later by the rabbis to shed light on the biblical text, we find a surprising statement. The rabbis connect these two stories. They tell us that the King of Ninevah is none other than Pharaoh. They say that the story teaches us that even Pharaoh, who seemed so unrepentant, is able to change.

Let us pray. Eloheinu v'lohei avoteinu v'imotainu, our God and God of our ancestors, may we recognize in ourselves our own tendency to harden our hearts towards others and to become stuck in our way of thinking and of doing things. At a time when our differences are emphasized, may we instead open our hearts to our similarities. May we recognize the divine spark in all whom we meet, especially those with whom we do not agree. Let us seek to see the good in those with whom we work, and be ever mindful of our own capacity for change. This day, and always, may our hearts not be hardened, but be opened. Amen.

Pledge of Allegiance led by Senator Eric L. Brakey of
Androscoggin County.

Reading of the Journal of Tuesday, January 12, 2016.

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

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. 613

Ordered, the House concurring, that when the Senate and House
adjourn, they do so until Tuesday, January 19, 2016 at 10:00 in
the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Reauthorizing the Balance of the 2009 Bond Issue for
Land Conservation Projects

H.P. 996 L.D. 1454
(H "A" H-505)

In Senate, July 16, 2015, **FINALLY PASSED**, in concurrence.

In Senate, January 7, 2016, **RECALLED** from the Governor's
Desk, pursuant to Joint Order (H.P. 1048), in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "A" (H-505) AS
AMENDED BY HOUSE AMENDMENT "B" (H-508)** thereto, in
NON-CONCURRENCE.

On motion by Senator **WHITEMORE** of Somerset, the Senate
RECEDED and CONCURRED.

Non-Concurrent Matter

Bill "An Act To Modernize and Consolidate Court Facilities"
S.P. 590 L.D. 1528

In Senate, January 6, 2016, on motion by Senator **HAMPER** of
Oxford, **REFERRED** to the Committee on **APPROPRIATIONS
AND FINANCIAL AFFAIRS** and ordered printed.

Comes from the House, **REFERRED** to the Committee on
JUDICIARY and ordered printed, in **NON-CONCURRENCE.**

On motion by Senator **BURNS** of Washington, the Senate
RECEDED and CONCURRED.

Senate at Ease.

Senate called to order by the President.

House Papers

Bill "An Act To Provide Access to Affordable Naloxone Hydrochloride for First Responders"

H.P. 1054 L.D. 1547

Bill "An Act To Reduce Morbidity and Mortality Related to Injected Drugs"

H.P. 1057 L.D. 1552

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 Establish a Foster Parents' Bill of Rights"

H.P. 1055 L.D. 1548

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

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

Bill "An Act To Amend the Laws Governing Oversight of and Responsibility for the Kim Wallace Adaptive Equipment Loan Program Fund"

H.P. 1056 L.D. 1549

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

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

**Pursuant to Statute
Maine Turnpike Authority**

The **Maine Turnpike Authority**, pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6 asked leave to report that the accompanying Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2017"

H.P. 1053 L.D. 1546

Be **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

The Chair noted the absence of the Senator from Cumberland, Senator **VOLK**, and further excused the same Senator from today's Roll Call votes.

COMMUNICATIONS

The Following Communication: S.C. 630

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

January 12, 2016

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 Transportation has had under consideration the nomination of Michael J. Cianchette of Cumberland, for appointment to the Maine Turnpike Authority, Board of Directors.

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	Collins of York, Diamond of Cumberland, Rosen of Hancock
	Representatives	9	McLean of Gorham, Bryant of Windham, Farrin of Norridgewock, Gillway of Searsport, Golden of Lewiston, Hobart of Bowdoinham, Parry of Arundel, Powers of Naples, Verow of Brewer

NAYS 0

ABSENT 1 Rep. Hogan of Old Orchard Beach

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Michael J. Cianchette of Cumberland, for appointment to the Maine Turnpike Authority, Board of Directors be confirmed.

Signed,

S/Ronald F. Collins
Senate Chair

S/Andrew J. McLean
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158, 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 (#457)

YEAS: Senators: None

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

ABSENT: Senator: WILLETTE

EXCUSED: Senator: VOLK

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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 **Michael J. Cianchette** of Cumberland for appointment to the Maine Turnpike Authority, Board of Directors was **CONFIRMED**.

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

The Following Communication: S.C. 631

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

January 12, 2016

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

Dear President Thibodeau,

This is to inform you that I am today nominating Robert A. Harmon of Raymond for reappointment to the Gambling Control Board.

Pursuant to Title 8, MRSA §1002, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 632

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

January 12, 2016

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

Dear President Thibodeau,

This is to inform you that I am today nominating Steven M. Carey, Esq. of Cumberland for reappointment to the Maine Commission on Indigent Legal Services.

Pursuant to Title 4, MRSA §1803, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 627

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

January 12, 2016

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 Appropriations and Financial Affairs has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 212 An Act Concerning Cost-of-living Adjustments
for Certain Retirees (EMERGENCY)

This is notification of the Committee's action.

Sincerely,

S/Sen. James M. Hamper S/Rep. Margaret R. Rotundo
Senate Chair House Chair

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

The Following Communication: S.C. 628

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

January 12, 2016

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(s) out "Ought Not to Pass":

L.D. 394 Resolve, To Lower the Department of
Environmental Protection's 5-point Odor
Intensity Referencing Scale for Odor Control at
Solid Waste Processing Facilities

L.D. 713 Resolve, To Further Protect Lake Water Quality

This is notification 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. 629

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

January 12, 2016

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(s) out "Ought Not to Pass":

L.D. 8 Resolve, Regarding Legislative Review of
Portions of Chapter 301: Fee Schedule and
Administrative Procedures for Payment of
Commission Assigned Counsel, a Major
Substantive Rule of the Maine Commission on
Indigent Legal Services (EMERGENCY)

This is notification 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. 626

**MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE**

January 12, 2016

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

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

Dear Senators and Representatives:

The Government Oversight Committee (GOC) has completed its work associated with the Office of Program Evaluation and Government Accountability's (OPEGA) September 2015 Information Brief on State Funding for Good Will-Hinckley. We have produced a GOC Addendum that records the Committee's actions in response to OPEGA's Information Brief. It includes a summary of additional or new information and context pertinent to the events reported in the Information Brief that were gathered during the GOC's public consideration of this report.

Copies of OPEGA's Information Brief and the GOC Addendum are attached. Both can also be found on OPEGA's website at <http://legislature.maine.gov/opegareports/9149>. Printed copies may be obtained by contacting OPEGA at (207) 287-1901, Room 107, Cross Office Building.

Sincerely,

S/Senator Roger Katz
Senate Chair

S/Representative Chuck Kruger
House Chair

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

Senate at Ease.

Senate called to order by the President.

SENATE PAPERS

Bill "An Act To Reauthorize Certain Land for Maine's Future Bonds and To Facilitate the Issuance of Those Bonds" (EMERGENCY)

S.P. 612 L.D. 1561

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative GRANT of Gardiner and Senators: BREEN of Cumberland, CYRWAY of Kennebec, DIAMOND of Cumberland, Representatives: DOORE of Augusta, FOWLE of Vassalboro, GROHMAN of Biddeford, TUELL of East Machias.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

Bill "An Act To Strengthen Intragovernment Communication"
S.P. 611 L.D. 1560

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative POULIOT of Augusta and Senators: BREEN of Cumberland, CYRWAY of Kennebec, DIAMOND of Cumberland, Representatives: DOORE of Augusta, FOWLE of Vassalboro, GRANT of Gardiner, TUELL of East Machias.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Sent down for concurrence.

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

Off Record Remarks

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Dr. William and Julie Bromley, of Ellsworth, on the occasion of their 60th Wedding Anniversary. Dr. and Mrs. Bromley were married on December 27, 1955 in Eastport at the Eastport Unitarian Church. Dr. Bromley practiced ophthalmology for 35 years and Mrs. Bromley was a teacher and principal. Dr. Bromley also served in the United States Air Force as a flight surgeon, achieving the rank of Captain. Dr. and Mrs. Bromley have 4 children, 15 grandchildren and 6 great-grandchildren and have been active in church, family and community activities. We extend our congratulations and best wishes to them on this anniversary;

SLS 861

Sponsored by Senator LANGLEY of Hancock.
Cosponsored by Representative: LUCHINI of Ellsworth.

READ.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, it's an honor today to rise to recognize the occasion of Dr. and Mrs. William Bromley's celebrating their 60th wedding anniversary. I first met this couple in the late 1970s. Doc Bromley and Julie have shared in most of my life's milestones. They were there when I got married and when my children were born and they have been a great influence on my life. Sixty years is quite a milestone. Mr. President, the Bromley's were not able to travel today, but their daughter, Jane Bromley Langley, my wife, is here to accept this recognition on their behalf. Thank you, Mr. President and men and women of the Senate.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize, joining us today, the Senator's esteemed wife, Jane Langley. Would she please rise and accept the greetings of the State Senate.

Senate at Ease.

Senate called to order by the President.

ORDERS

Joint Resolution

On motion by Senator **GERZOFISKY** of Cumberland (Cosponsored by Representative **HICKMAN** of Winthrop and Senators: **BREEN** of Cumberland, **CUSHING** of Penobscot, **KATZ** of Kennebec, **MASON** of Androscoggin, **ROSEN** of Hancock, Representatives: **FOWLE** of Vassalboro, **MARTIN** of Sinclair, **WARREN** of Hallowell), the following Joint Resolution: S.P. 610

JOINT RESOLUTION RECOGNIZING NOVEMBER 13, 2016 AS PANCREATIC CANCER AWARENESS DAY

WHEREAS, researchers estimate that about 48,960 people in the United States will be diagnosed with pancreatic cancer and about 40,560 will die from the disease this year, approximately 210 of whom live in Maine; and

WHEREAS, pancreatic cancer is one of the few cancers for which the survival rates have had little improvement in nearly 40 years, with 73% of patients with pancreatic cancer dying within one year of their diagnosis and 93% dying within 5 years of diagnosis; and

WHEREAS, pancreatic cancer is the 4th-leading cause of cancer-related deaths in the United States, with no early detection test to diagnose the disease in its early stages when surgical removal of the tumor is still possible; and

WHEREAS, pancreatic cancer occurs when abnormal cell growth begins in the pancreas, with family history, smoking, age and diabetes being major risk factors; and

WHEREAS, pancreatic cancer may cause vague symptoms that could indicate many different conditions, including abdominal or back pain, weight loss, jaundice, loss of appetite and nausea; and

WHEREAS, surgical removal, the best possible treatment option, is available for fewer than 20% of patients diagnosed and chemotherapy or radiation is typically offered to patients whose tumors cannot be removed surgically; and

WHEREAS, the good health and well-being of the residents of Maine are enhanced as a direct result of increased awareness of pancreatic cancer and research into early detection, causes and effective treatments; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, recognize that November 13, 2016 is Pancreatic Cancer Awareness Day in order to make our citizens more aware of this prevalent disease; and be it further

RESOLVED: That 4 suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Pancreatic Cancer Action Network.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

Senate

Change of Committee

Senator **HAMPER** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize Increased Borrowing by the Maine Governmental Facilities Authority To Support the Maine Correctional Center in South Windham"

S.P. 547 L.D. 1447

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

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

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent down for concurrence.

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

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

SENATE PAPERS

Bill "An Act To Make Technical Changes to the Laws Governing Child Support" (EMERGENCY)

S.P. 614 L.D. 1562

Presented by Senator BURNS of Washington.
Cosponsored by Representative HOBBS of Saco.
Submitted by the Department of the Attorney General pursuant to Joint Rule 203.

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

Sent down for concurrence.

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, January 19, 2016, at 10:00 in the morning.