

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 28, 2016

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

Prayer by Pastor Steve Christner, Calvary Baptist Church in Turner.

PASTOR CHRISTNER: Let us pray. Lord, we thank you, Lord, for your goodness to us. We thank you, God, for the country you've given to us. We thank you, Lord, not only for the vast resources but, God, for the liberties that you've given to us. We thank you, Lord, for those that have paved the way and have been instrumental in giving us these liberties and sacrificed much, even life. We thank you, Lord, we believe these liberties are from You. We thank you, Lord, for right now, those that all around the world are protecting those liberties. Keep them safe. Be with them. Bless those that are home; family, friends, loved ones. God bless them today. We thank you, Lord, for our state that you've given to us, those that have been part of making it what it is today; the vast resources, the people, the place we call home, where we work and live. Thank you, Lord, for that. Thank you, God, for the blessings You give to us individually, for your love and your grace. You love us, Lord, unconditionally. You have a plan and a purpose for every one of us. Thank you, Lord, for that. Most of all now, I pray, God, You bless, Lord, this session, this Senate, today. You've told us to honor those that rule over us. We thank you for those here today. We thank you, Lord, for their place, their chair that they hold, every meeting, every decision, every discussion. Give each one the grace, the wisdom, the conviction, the passion. Help each one, Lord, to realize, God, that this is a place you've given to us. Help us, God, to do the very best that we can and do what's right and bless them today, each one of them. I pray, God, that You would bless the decisions that they make and, God, please be with them. I pray, Lord, finally, Lord, I pray, God, that You would bless them, Lord, and thank You, Lord, for the hope that you've given to us; the hope of life, eternal life, the hope of salvation, the hope of forgiveness. Thank you, God, for your love to us. Thank you, God, for your grace and your mercy, your promises. You've blessed us, God, so much and we thank you for it. Bless, Lord, this day. Bless, Lord, the work that is done here today. God, we thank you for it. In Jesus' name. Amen.

Pledge of Allegiance led by Senator Nathan L. Libby of Androscoggin County.

Reading of the Journal of Tuesday, January 26, 2016.

Doctor of the day, Lisa Ryan, DO of Naples.

Off Record Remarks

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

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. 627

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 2, 2016 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend Certain Education Laws" (EMERGENCY)
H.P. 1069 L.D. 1576

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

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

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Make Technical Amendments to the Maine Juvenile Code"
H.P. 1067 L.D. 1575

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** 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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Off Record Remarks

The President requested the Sergeant-At-Arms escort the Senator from Washington, Senator **BURNS**, to the rostrum where he assumed the duties as President Pro Tempore.

The President took a seat on the Floor.

The Senate was called to order by President Pro Tempore **DAVID C. BURNS** of Washington County.

Expression of Legislative Sentiment recognizing:

Jerry Savitz, of Belfast, longtime beloved member of the community. Mr. Savitz was born in Malden, Massachusetts and raised in Belfast. He pulled lobster traps, dragged for scallops and fished Penobscot Bay on his boat, the Mary R. He later started Tut's Hut Glorious Open Air Market in Saturday Cove, where he met his wife, Gail Hoag. After their marriage, they raised a family, and Mr. Savitz sold lobsters from City Boat Landing in Belfast. The lobster business turned into a restaurant called Darby's in Belfast, which he happily ran for 30 years. Mr. Savitz served on the boards of Belfast Co-op, Northport Golf Club, Coastal Mountains Land Trust, Belfast Maskers and the Basil Burwell Endowment Fund. He will be greatly missed and long remembered by his loving family and his many friends.

SLS 828

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll take just a few minutes to share with you a story about a man that meant so much to the people of Waldo County and, indeed, to the people of the entire state of Maine. I know that each and every one of us have special people that live in our Senate Districts, people that make tremendous differences in the lives of people around them. I'll tell you that Jerry Savitz was one of those men; a man that meant so much to the people of Waldo County. He was recently recognized as the Volunteer of the Year by the Waldo County Chamber of Commerce. Jerry was truly an icon to the people of Waldo County. Many of you have been to Waldo County and enjoyed some of the fine cuisine that we have to offer. Well, I would suggest to you that if you made the trip and missed the

opportunity to dine at Darby's Restaurant you missed a tremendous opportunity to experience one of the most wonderful dining experiences you'll find any place in our state. Jerry operated Darby's Restaurant for nearly 30 years in downtown Belfast and it is a staple of the mid-coast when it comes to tremendous dining experiences. Jerry was a lot more than that. Jerry was a husband and a father. He had two sons, Isaac and Carl, who were also a big part of the Belfast community. Jerry spent his entire life there. He was on the board of the Belfast Co-op, the Northport Golf Club, Coastal Mountains Land Trust, Belfast Maskers, and the Burwell Endowment Fund. Jerry was involved in every aspect of all of the good things that went on in our county. He is sadly missed. I would encourage you all, the next time you visit Belfast, to go by Darby's Restaurant. It's still a very special place, but it will never be exactly the same without Jerry Savitz there because when you went through the door Jerry was going to be there to greet you, he was going to come by your table and thank you for being there, and make you feel incredibly welcome. He was beloved by his community for more reasons than I possibly could articulate today but, more importantly than that, he was beloved by this family and is going to be sadly, sadly missed by our community. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Gail Savitz and son, Carl, of Belfast. They are here today as guests of the Senator from Waldo, Senator Thibodeau. Would they please rise and accept the condolences of the Senate.

The President Pro Tempore requested the Sergeant-At-Arms escort the Senator from Waldo, Senator **THIBODEAU**, to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Washington, Senator **BURNS**, to his seat on the floor.

Senate called to order by the President.

Off Record Remarks

Joint Resolution

The following Joint Resolution:

H.P. 1068

**JOINT RESOLUTION
RECOGNIZING JANUARY 29, 2016
AS EITC AWARENESS DAY**

WHEREAS, in order to promote the federal and Maine state earned income tax credit, which enhances family household budgets, we recognize January 29, 2016 as EITC Awareness Day; and

WHEREAS, twenty percent of people eligible for the credit fail to claim the credit, which demonstrates the importance of raising awareness of this credit and urging individuals to find out if they qualify for it; and

WHEREAS, since 2003, CA\$H Maine has educated hard-working families and individuals about programs in the community that can increase their income, reduce their debt and build their savings; and

WHEREAS, throughout the State, IRS-certified volunteer tax preparers who are members of CA\$H Maine and AARP Tax-Aide, a collaboration of 10 statewide coalitions including 50 nonprofit and for-profit partners, provide free federal and state tax preparation; and

WHEREAS, in 2015, these volunteers helped Maine residents save more than \$3,600,000 in tax filing fees and claim over \$5,680,000 in earned income tax credits, returning \$21,600,000 to Maine residents in federal income tax refunds; 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, take this opportunity to recognize January 29, 2016 as EITC Awareness Day; and be it further

RESOLVED: That we send our appreciation to all the volunteers who participate in EITC Awareness Day for the benefit of Maine citizens and we urge participation in this worthy cause.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 668

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

January 26, 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 Judiciary has had under consideration the nomination of Cynthia L. Montgomery, Esq. of Palermo, for appointment 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 Cynthia L. Montgomery, Esq. of Palermo, for appointment 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: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, once again, it's my pleasure to be able to rise in this opportunity to express my appreciation to the Chief Executive for his nominations to the bench of people who, I believe, are very well qualified, highly admired by their peers, and fit for their position, regardless of their political leanings. The nominees before you today are no exception. This first nominee in front of you, Ms. Montgomery, is a very well qualified nominee for the District Court and she has displayed, from my perspective, the right demeanor for this job during her tenure in State Government and during the lengthy public hearing that we went through just recently. I urge the Body to support the unanimous recommendation of the Judiciary Committee on this nominee. Thank you very much, Mr. President.

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 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 (#474)

YEAS: Senators: BREEN, GRATWICK, HILL, MILLETT, MIRAMANT, PATRICK, VALENTINO

NAYS: Senators: ALFOND, BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFKY, HAMPER, HASKELL, JOHNSON, KATZ, LIBBY, MASON, MCCORMICK, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

EXCUSED: Senator: LANGLEY

7 Senators having voted in the affirmative and 27 Senators having voted in the negative, with 1 Senator being excused, and 7 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 **Cynthia L. Montgomery**, Esq. of Palermo for appointment as a District Court Judge was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Cynthia Montgomery. Would she please rise and accept the greetings of the Senate.

Off Record Remarks

The Following Communication: S.C. 669

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

January 26, 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 Judiciary has had under consideration the nomination of Charles F. Budd Jr., Esq. of Bangor, for appointment 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	2	Burns of Washington, Johnson of Lincoln
	Representatives	8	Hobbins of Saco, Evangelos of Friendship, Ginzler of Bridgton, Guerin of Glenburn, Herrick of Paris, McCreight of Harpwell, Sherman of Hodgdon, Warren of Hallowell

NAYS 0

ABSENT 3 Sen. Volk of Cumberland,
Rep. Monaghan of Cape
Elizabeth, Rep. Moonen of
Portland

Rep. Mitchell of Penobscot Nation was absent.

Ten 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 Charles F. Budd Jr., Esq. of Bangor, for appointment 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: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, again it's my pleasure to express, on behalf of the Judiciary Committee, our unanimous support for Mr. Charles Budd Jr. for the District Court appointment. Attorney Budd has extensive and varied experience in law and judicial temperament, compassion, hard work, and the respect of his peers helped to make him an excellent nominee for this position. It is my honor today to highly recommend his confirmation before this Body. Thank you very much, ladies and gentlemen.

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 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 (#475)

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, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMore, WILLETTTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

EXCUSED: Senator: LANGLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Charles F. Budd Jr.**, Esq. of Bangor for appointment as a District Court Judge was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Charles F. Budd, Esq. Would he please rise and accept the greetings of the Senate.

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

The Following Communication: S.C. 670

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

January 26, 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 Judiciary has had under consideration the nomination of Thomas J. Nale Sr., Esq. of Waterville, for appointment 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	2	Burns of Washington, Johnson of Lincoln
	Representatives	7	Hobbins of Saco, Evangelos of Friendship, Ginzler of Bridgton, Guerin of Glenburn, McCreight of Harpswell, Sherman of Hodgdon, Warren of Hallowell

NAYS 0

ABSENT 4 Sen. Volk of Cumberland,
Rep. Herrick of Paris, Rep.
Monaghan of Cape Elizabeth,
Rep. Moonen of Portland

Rep. Mitchell of Penobscot Nation was absent.

Nine 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 Thomas J. Nale Sr., Esq. of Waterville, for appointment 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 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 (#476)

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, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

EXCUSED: Senator: LANGLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Thomas J. Nale Sr.**, Esq. of Waterville for appointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 671

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

January 26, 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 Labor, Commerce, Research and Economic Development has had under consideration the nomination of Sheryl S. Gregory of Litchfield, for reappointment to the Maine State Housing Authority.

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	2	Cushing of Penobscot, Patrick of Oxford
	Representatives	8	Herbig of Belfast, Austin of Gray, Bates of Westbrook, Gilbert of Jay, Lockman of Amherst, Mastraccio of Sanford, Stetkis of Canaan, Ward of Dedham

NAYS	0	
ABSENT	3	Sen. Volk of Cumberland, Rep. Campbell of Newfield, Rep. Fecteau of Biddeford

Ten 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 Sheryl S. Gregory of Litchfield, for reappointment to the Maine State Housing Authority be confirmed.

Signed,

S/Amy F. Volk
Senate Chair

S/Erin D. Herbig
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 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 (#477)

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, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

EXCUSED: Senator: LANGLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Sheryl S. Gregory** of Litchfield for reappointment to the Maine State Housing Authority was **CONFIRMED**.

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

The Following Communication: S.C. 675

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

January 27, 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 Veterans and Legal Affairs has had under consideration the nomination of Meri N. Lowry, Esq. of Portland, for appointment to the Commission on Governmental Ethics and Election Practices.

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	Cyrway of Kennebec, Collins of York, Patrick of Oxford
	Representatives	10	Luchini of Ellsworth, Dillingham of Oxford, Golden of Lewiston, Hanington of Lincoln, Kinney of Limington, Longstaff of Waterville, Monaghan of Cape Elizabeth, Saucier of Presque Isle, Schneck of Bangor, Turner of Burlington
NAYS		0	
ABSENT		0	

Rep. Bear of Houlton Band of Maliseet Indians 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 Meri N. Lowry, Esq. of Portland, for appointment to the Commission on Governmental Ethics and Election Practices be confirmed.

Signed,

S/Scott W. Cyrway
Senate Chair

S/Louis J. Luchini
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **VETERANS AND LEGAL AFFAIRS** 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 (#478)

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, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

EXCUSED: Senator: LANGLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Meri N. Lowry**, Esq. of Portland for appointment to the Commission on Governmental Ethics and Election Practices was **CONFIRMED**.

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

The Following Communication: S.C. 674

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

January 27, 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 Veterans and Legal Affairs has had under consideration the nomination of Robert A. Harmon of Raymond, for reappointment to the Gambling Control Board.

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	Cyrway of Kennebec, Collins of York, Patrick of Oxford
	Representatives	10	Luchini of Ellsworth, Dillingham of Oxford, Golden of Lewiston, Hanington of Lincoln, Kinney of Limington, Longstaff of Waterville, Monaghan of Cape Elizabeth, Saucier of Presque Isle, Schneck of Bangor, Turner of Burlington

NAYS 0

ABSENT 0

Rep. Bear of Houlton Band of Maliseet Indians 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 Robert A. Harmon of Raymond, for reappointment to the Gambling Control Board be confirmed.

Signed,

S/Scott W. Cyrway
Senate Chair

S/Louis J. Luchini
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **VETERANS AND LEGAL AFFAIRS** 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 (#479)

YEAS: Senators: None

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

EXCUSED: Senator: LANGLEY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Robert A. Harmon** of Raymond for reappointment to the Gambling Control Board was **CONFIRMED**.

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

The Following Communication: S.C. 672

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

January 25, 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, pursuant to Title 3 M.R.S.A., §154, I am withdrawing my nomination of Rosaire Pelletier of Madawaska for reappointment as a member of the Finance Authority of Maine.

This nomination is currently pending before the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 679

**127TH MAINE LEGISLATURE
SENATE OF MAINE
SENATE DISTRICT 32**

January 28, 2016

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

Dear President Thibodeau and Members of the Maine Senate,

It has been an honor to serve in the Maine Senate and to work with each of you in this chamber. I am proud of my work as a State Senator on behalf of the people of Senate District 32 - Alfred, Arundel, Biddeford, Dayton, Kennebunkport and Lyman.

I previously announced that I would not be running for re-election. It is true that the demands of my work and the legislature were not sustainable at this time. But, what is also true is that I have been battling alcohol abuse. For those who are close to me, they know that I thought this was a demon I could fight alone—and, one that I could do with a 'business as usual' approach.

I've learned the hard way that this is not the case. Today, I have made the very hard decision to resign as State Senator so that I can focus on my recovery. While this decision has been a painful one, I simply can't keep living in the same manner. I want to get healthy. I want my family to have the 'real me' back—and I can only do that by putting myself and my family first.

Mr. President, I respectfully request that you accept my resignation as a member of the Maine State Senate effective upon adjournment of today's session, Thursday, January 28, 2016. I am incredibly grateful for having served the people and families of Senate District 32. I have been humbled and honored to be their voice at the State House and will cherish having had this opportunity.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Wishing you all the best,

S/David E. Dutremble

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 673

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

January 7, 2016

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

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the sponsor, Senator Millett of Cumberland, to report the following bill Leave to Withdraw:

L.D. 305 An Act To Authorize Circus Conservatory of
America To Grant Baccalaureate Degrees
(EMERGENCY)

Sincerely,

S/Brian D. Langley
Senate Chair

S/Representative Victoria P. Kornfield
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 676

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

January 21, 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 Insurance and Financial Services has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 704 An Act Regarding Notice Provided by Insurance
Carriers to Health Care Providers

This is notification of the Committee's action.

Sincerely,

S/Sen. Rodney L. Whittemore
Senate Chair

S/Rep. Henry E. Beck
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 677

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

January 26, 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 Taxation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 49 An Act To Exempt from Excise Tax Certain Vehicles Used by Persons with a Disability

L.D. 646 An Act To Provide Incentives for Municipal Cooperation and Shared Services

This is notification 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. 678

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

January 26, 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 Transportation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 687 An Act To Expand Classification Categories for Motor Vehicles in the State

This is notification of the Committee's action.

Sincerely,

S/Sen. Ronald F. Collins
Senate Chair

S/Rep. Andrew J. McLean
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 Update Maine's Solid Waste Management Laws"
S.P. 626 L.D. 1578

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative CAMPBELL of Orrington and Senator: BREEN of Cumberland, Representatives: DUCHESNE of Hudson, WELSH of Rockport.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

ORDERS

Joint Resolution

Joint Resolution in Memoriam:

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

Patricia Walton, of Fayette. Mrs. Walton was born in Montrose, Colorado and raised and educated in Orange, Texas. She was an acclaimed rope-twirler and was chosen to perform on the 50-yard line during the halftime show at the Cotton Bowl in Dallas, Texas. She came to Livermore Falls in 1958. In 1966, she married Clyde D. Walton, and they settled in Fayette and raised their family. She was employed at Berry Hill Orchard Company and Berry Hill Agway as a bookkeeper for 40 years until her retirement. She spent her life helping others, particularly the elderly and the less fortunate. She also was well-known for her pecan pies at Christmas, most years making over 200 pies to distribute to friends throughout the community. Mrs. Walton will be long remembered and sadly missed by her family and friends;
SLS 890

Sponsored by Senator CUSHING of Penobscot.
Cosponsored by Senators: ALFOND of Cumberland, BRAKEY of Androscoggin, BURNS of Washington, COLLINS of York, CYRWAY of Kennebec, DAVIS of Piscataquis, DIAMOND of Cumberland, DILL of Penobscot, DUTREMBLE of York,

GRATWICK of Penobscot, HASKELL of Cumberland, HILL of York, KATZ of Kennebec, LANGLEY of Hancock, LIBBY of Androscoggin, MASON of Androscoggin, McCORMICK of Kennebec, PATRICK of Oxford, SAVIELLO of Franklin, President THIBODEAU of Waldo, VOLK of Cumberland, WHITTEMORE of Somerset, WOODSOME of York, Representatives: ESPLING of New Gloucester, Speaker EVES of North Berwick, FREDETTE of Newport, GIDEON of Freeport, HILLIARD of Belgrade, McCABE of Skowhegan, NUTTING of Oakland, ROTUNDO of Lewiston.

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 for one of those special, and sometimes challenging, opportunities that we to honor people who have gone before us. I did not have the pleasure of knowing Pat Walton that well, but I do know members of her family and clearly they exhibit the traits that we heard about briefly here. Legislative sentiments don't always allow us the space to address the true scope of the individuals that we seek to honor and I think this is clearly one of those instances. Mrs. Walton was truly a force and she affected a lot of people's lives in ways that probably some of her family members don't even understand, but many of us know people in our communities and in our circle with influence like this. I just wanted to share a few things with you that I learned from her son during the memorial service. She was born in Colorado, as the sentiment indicated, and raised in Texas. It actually is the eastern-most point in Texas and is considered the friendliest part of Texas, from what I understand. That probably had some impact on how Pat Walton lived her life. She was a giver. She was somebody who always believed in giving of herself to others, that you leave something special by what you do in other people's lives. In our hectic schedules here it's always nice to take a moment like this and reflect on the unique individuals that we have the pleasure of meeting in life and that we represent in our Districts because they're really the essence of what makes our state such a special place to live. Pat and her husband raised their family to embrace the same values that they believed in and I think those of us who know her son, Tim, recognize that he tries to live and set an example of his life for how he was raised by his parents. The pies are a unique part and sort of a signature for a native Texan. She had, as I understand, always ordered her pecans, because the other manner in which some people referred to that nut has to do with a nighttime can that you might keep in your room as opposed to an actual nut. The pecan came from Texas. She baked hundreds of pies every year to give out to people. In honor of her, I have asked, Mr. President, that a copy of her recipe, which was provided to us at her service, be given to each member and I would encourage you to sort of pay it forward by thinking of her when you might take time to bake a pecan pie or share this recipe with a good friend. Mr. President, I thank you for this opportunity to rise and pay tribute to this special lady and her family and I appreciate the opportunity that my colleagues allowed me.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Clyde Walton and Tim Walton. Would they please rise and accept the condolences of the State Senate.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow School Resource Officers To Have Jurisdiction at Off-site Events" (EMERGENCY)

H.P. 1041 L.D. 1516

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

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

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Increase the Availability of Mental Health Services" H.P. 1070 L.D. 1577

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

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

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

ORDERS

Joint Order

On motion by Senator **COLLINS** of York, the following Joint Order:

S.P. 628

ORDERED, the House concurring, that the Joint Standing Committee on Transportation shall report out, to the Senate, a Bill, "An Act To Amend the Laws Regarding Categorical Signs in Public Rights-of-way."

READ and **PASSED**.

Sent down 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 (1/21/16) matter:

Bill "An Act To Ensure Nondiscrimination against Gun Owners in Public Housing"

S.P. 620 L.D. 1572

Tabled - January 21, 2016, by Senator **BURNS** of Washington

Pending - **REFERENCE**

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

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (1/26/16) matter:

SENATE REPORT - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide for the 2016 and 2017 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

S.P. 572 L.D. 1474

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-348)**

Tabled - January 26, 2016, by Senator **VOLK** of Cumberland

Pending - **ACCEPTANCE OF REPORT**

(In Senate, January 26, 2016, Report **READ**.)

Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-348) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

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, February 2, 2016, at 10:00 in the morning, in memory of and lasting tribute to Jerry Savitz of Belfast and Patricia Walton of Fayette.