

# 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  
Tuesday  
February 16, 2016

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

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Prayer by Miss Emily Feagans of Gorham.

**MISS FEAGANS:** Lord, help us to be good Girl Scouts, one whom the world can trust. Help us respect our neighbor's rights and never be unjust. Help us as Americans to be worthy of the flag we bear and help us as we are Girl Scouts to be proud of the uniform we wear. Help us to be clean, dear Lord, in thought, word, and deed and help us to follow the law that is in Girl Scout creed. Teach us to love our fellow man and then to serve him too. Help our actions to count, dear Lord, in everything we do. Give us strength to carry on and do our part each day. Make a place in this world for us and help us fill it I pray. Make us what we ought to be and in Thy footsteps fall. Help us to live for others, O Great Scout Leader of us all.

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Posting of the Colors by Maine Girl Scouts.

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National Anthem performed by Girl Scouts of Maine Chorus.

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Pledge of Allegiance led by Miss Emily Feagans of Gorham.

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Reading of the Journal of Thursday, February 11, 2016.

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Doctor of the day, David Mackenzie, MD of Scarborough.

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Off Record Remarks

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**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:

H.P. 1078

**JOINT RESOLUTION  
RECOGNIZING FEBRUARY AS 2-1-1 MAINE MONTH**

WHEREAS, 2-1-1 Maine is a comprehensive statewide directory of over 8,000 health and human services available in the State; and

WHEREAS, in order to promote the 2-1-1 Maine health and human services and emergency preparedness hotline, which helps Maine citizens get access to needed resources, we recognize February 2016 as 2-1-1 Maine Month; and

WHEREAS, 2-1-1 Maine helps to identify existing gaps in health and human services; and

WHEREAS, throughout the State, 2-1-1 Maine provides around-the-clock service through efficient and effective responses to questions arising from the growing complexities and needs in health, socioeconomic and human services; and

WHEREAS, 2-1-1 Maine provides emergency operations during times of natural and other disasters, including providing accurate and timely information for preparations and longer-term referrals for follow-up services, and valuable information for community planning and for future matching of resources and unmet needs; and

WHEREAS, 2-1-1 Maine directs Mainers to heating and utility assistance services that help prevent people from contacting the wrong agency for a federal Low-income Home Energy Assistance Program benefit, help prevent utility shutoffs and save people from spending winter nights without fuel assistance; and

WHEREAS, 2-1-1 Maine offers a number of specialized services, including the gambling helpline and assisting the Department of Health and Human Services, Maine Center for Disease Control and Prevention with H1N1 influenza calls, and is also a resource for finding information about services such as tax preparation; 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 February 2016 as 2-1-1 Maine Month.

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

**READ** and **ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 738

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

February 11, 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 Steven M. Carey of Cumberland, for reappointment to the Maine Commission on Indigent Legal Services.

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	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		1	Sen. Volk of Cumberland

Rep. Mitchell of Penobscot Nation was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Steven M. Carey of Cumberland, for reappointment to the Maine Commission on Indigent Legal Services be confirmed.

Signed,

S/David C. Burns  
Senate Chair

S/Barry J. Hobbins  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

# **ROLL CALL (#494)**

YEAS: Senators: None

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

EXCUSED: Senators: ALFOND, WILLETTE

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators 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 **Steven M. Carey** of Cumberland for reappointment to the Maine Commission on Indigent Legal Services was **CONFIRMED**.

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

The Following Communication: S.C. 739

## **STATE OF MAINE 127<sup>TH</sup> LEGISLATURE OFFICE OF THE GOVERNOR**

February 11, 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 Dr. William H. Beardsley of Ellsworth for appointment as the Commissioner of Education.

This nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.

The Following Communication: S.C. 741

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 740

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

February 11, 2016

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

Dear President Thibodeau and Speaker Eves:

Please accept this letter as the report of the findings of the Joint Standing Committee on Labor, Commerce, Research and Economic Development from its review and evaluation of the Department of Professional and Financial Regulation under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The Committee finds that the Bureau of Consumer Credit Protection and the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation are operating effectively and efficiently within their statutory authority. In addition, the Committee will be reporting out a bill containing language proposed by the Department for further consideration through the normal legislative process.

Because the Joint Committee on Insurance and Financial Services is expected to review the Administrative Services Division, Bureau of Financial Institutions, Bureau of Insurance, and Office of Securities, the Joint Standing Committee on Labor, Commerce, Research, and Economic Development makes no findings with regard to those offices.

Sincerely,

S/Senator Amy F. Volk                      S/Representative Erin D. Herbig  
Senate Chair                                      House Chair

**READ and ORDERED PLACED ON FILE.**

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

February 11, 2016

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

Dear President Thibodeau and Speaker Eves:

Please accept this letter as the report of the findings of the Joint Standing Committee on Labor, Commerce, Research and Economic Development from its review and evaluation of the Maine State Housing Authority under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The committee finds that the Maine State Housing Authority is operating effectively and efficiently within its statutory authority.

Sincerely,

S/Senator Amy F. Volk                      S/Representative Erin D. Herbig  
Senate Chair                                      House Chair

**READ and ORDERED PLACED ON FILE.**

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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**SENATE PAPERS**

Bill "An Act To Amend the Maine Veterinary Practice Act"  
S.P. 640 L.D. 1591

Presented by Senator DILL of Penobscot.  
Cosponsored by Representative BLACK of Wilton and Senator:  
SAVIELLO of Franklin, Representative: GOODE of Bangor.  
Approved for introduction by a majority of the Legislative Council  
pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

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## ORDERS

### Joint Order

On motion by Senator **BRAKEY** of Androscoggin, the following Joint Order:

S.P. 642

**ORDERED**, the House concurring, that the Joint Standing Committee on Health and Human Services may report out, to the Senate, a bill regarding Maine's medical marijuana laws.

### READ.

On motion by Senator **BRAKEY** of Androscoggin, the Joint Order **INDEFINITELY POSTPONED**.

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### Joint Resolution

On motion by Senator **MASON** of Androscoggin, under unanimous consent on behalf of President **THIBODEAU** of Waldo (Cosponsored by Speaker **EVES** of North Berwick and Senators: **ALFOND** of Cumberland, **CUSHING** of Penobscot, **HILL** of York, **MASON** of Androscoggin, Representatives: **ESPLING** of New Gloucester, **FREDETTE** of Newport, **GIDEON** of Freeport, **McCABE** of Skowhegan), the following Joint Resolution:

S.P. 643

### JOINT RESOLUTION

#### RECOGNIZING THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA ON FEBRUARY 16, 2016

**WHEREAS**, 2016 marks the 104th anniversary of the Girl Scouts of the United States of America, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and

**WHEREAS**, throughout its long and distinguished history, Girl Scouts has inspired millions of girls and women with the highest ideals of character, conduct, compassion and patriotism; and

**WHEREAS**, in Girl Scouts, girls develop their leadership potential through activities that enable them to discover their values and skills and the world around them and to connect with others in a multicultural environment; and

**WHEREAS**, Girl Scouts, now in its 2nd century of service to girls, is continuing its legacy of creating gender-balanced leadership in the United States and the world by providing girls with the courage, confidence and leadership skills to become leaders dedicated to making their communities, this country and the world better; and

**WHEREAS**, Girl Scouts has made girls' financial literacy a high priority in its programs and activities for over 100 years and continues to develop financial empowerment programs for girls in kindergarten to grade 12 to guarantee future generations of independent female leaders; and

**WHEREAS**, outdoor experiences are an integral part of the Girl Scout Leadership Experience and outdoor activities are woven into the core leadership development program in such a way that girls feel comfortable trying new things and testing their limits and gain confidence and acquire new skills in a safe and supportive all-girl environment; and

**WHEREAS**, Girl Scouts is committed to ensuring that girls have the opportunity to explore and build an interest in science, technology, engineering and mathematics, helping them to develop collaborative, critical thinking and problem solving skills, which are vital throughout life; and

**WHEREAS**, with more than 2.8 million current members nationwide and nearly 60 million alumnae and with a high percentage of the women in the United States House of Representatives and of women business owners being former Girl Scouts, Girl Scouts has ample living proof of its importance and success; 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 commend the commitment Girl Scouts has made to support the continued advancement of girls in their roles as leaders here in our State and to send our appreciation by urging the citizens of Maine to recognize the Girl Scouts of the United States of America on February 16, 2016; and be it further

**RESOLVED**: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Girl Scouts of Maine.

### READ.

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

Senator **LANGLEY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm pleased to be able to rise to honor the Girl Scouts of America today. Girl Scouts are a distinguished organization that's helped millions of girls and women achieve their goals. From kindergarten to adulthood, involvement in the various levels of Scouting allows girls the opportunity to learn about and explore new topics and opportunities. By joining the Girl Scouts, young women are entering an organization that teaches them to be independent and have the courage and curiosity it takes to be successful on whatever path life takes them. From exploring the outdoors to service projects to strong friendships and strong role models, the alumna of the Girl Scouts have a wealth of experiences and relationships to draw on. My own daughter was a Girl Scout and it's evident the effect that it had on her life. Thank you, Mr. President and ladies and gentlemen of the Senate.

On motion by Senator **MASON** of Androscoggin, **ADOPTED**.

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the balcony today both Boy and Girl Scouts from across our state. Would they please rise and accept the greetings of the Maine Senate.

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Chapter 30: Prior Approval Process and Stop Work Orders, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry (EMERGENCY) H.P. 999 L.D. 1458

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

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

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Off Record Remarks

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**Ought to Pass As Amended**

The Committee on **TAXATION** on Bill "An Act To Facilitate Student Loan Repayment by Allowing Graduates To Claim Educational Opportunity Tax Credits on Eligible Portions of Consolidated Loans" (EMERGENCY) H.P. 1028 L.D. 1505

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-512)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-512)**.

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

**READ ONCE.**

Committee Amendment "A" (H-512) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Senate**

**Pursuant to Joint Order**

Senator COLLINS for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Maine Traveler Information Services Laws"

S.P. 641 L.D. 1592

Reported that the same be **REFERRED** to the Committee on **TRANSPORTATION**, pursuant to Joint Order, S.P. 628.

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

**REFERRED** to the Committee on **TRANSPORTATION**.

Sent down for concurrence.

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**Ought to Pass As Amended**

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend Maine's Death Certificate Disclosure Law"

S.P. 568 L.D. 1470

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-358)**.

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

**READ ONCE.**

Committee Amendment "A" (S-358) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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

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**SECOND READERS**

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

**House As Amended**

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

H.P. 704 L.D. 1021  
(C "A" H-511)

Bill "An Act To Establish a Tax-free Savings Program for Individuals with Disabilities"

H.P. 967 L.D. 1421  
(C "A" H-509)

Bill "An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation Concerning Pension Income" (EMERGENCY)

H.P. 1029 L.D. 1506  
(C "A" H-510)

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

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**ENACTORS**

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

**Emergency Measure**

An Act To Provide for the 2016 and 2017 Allocations of the State Ceiling on Private Activity Bonds

S.P. 572 L.D. 1474  
(C "A" S-348)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **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.

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**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 (2/2/16) matter:

Senate Communication - Northern New England Passenger Rail Authority Annual Report

S.C. 688

Tabled - February 2, 2016, by Senator **MASON** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, February 2, 2016, **READ**.)

**ORDERED PLACED ON FILE.**

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The Chair laid before the Senate the following Tabled and Later Assigned (2/9/16) matter:

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That 5 Percent of Signatures on a Direct Initiative of Legislation Come from Each County

S.P. 272 L.D. 742

Majority - **Ought to Pass as Amended by Committee Amendment "B" (S-356)** (9 members)

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

Tabled - February 9, 2016, by Senator **CYRWAY** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, February 9, 2016, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "B" (S-356) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Off Record Remarks

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

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On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Thursday, February 18, 2016, at 10:00 in the morning.