

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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 23, 2016

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

Prayer by Father Peter Day, Holy Trinity Greek Orthodox Church
in Lewiston.

FATHER DAY: O God of all creation, who gathers the nations
and the assemblies of His servants, send us Your guidance and
lead us on Your path of goodness. Give us the wisdom to focus
our efforts to the fulfillment of Your will. Make each one of us a
beacon of Your unending light and let Your light shine upon those
who we serve to bring out of darkness. We pray for our country,
our state, our city, and we ask that our leaders and all those in
civic authority be guided by Your grace and be given Your
enlightenment. Permit them, O Lord, to serve and govern in
peace, that through the faithful conduct of their duties we may live
a peaceful and serene lives in all piety and holiness. Grant peace
to Your world, to those in public service, to the armed forces, and
to all Your people, for every good and perfect gift is from You,
coming from above. Loving Lord, let Your face shine upon us and
be gracious to us and merciful to us, to the ages of ages. Amen.

Pledge of Allegiance led by Senator David C. Burns of
Washington County.

Reading of the Journal of Thursday, February 18, 2016.

Doctor of the day, Craig Curtis, MD.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Resolve, Authorizing the Reconveyance of Land and Authorizing
the Sinclair Sanitary District To Lease Land for
Telecommunications Purposes

H.P. 1085 L.D. 1595

Comes from the House, **REFERRED** to the Committee on
AGRICULTURE, CONSERVATION AND FORESTRY and
ordered printed.

On motion by Senator **EDGECOMB** of Aroostook, **REFERRED** to
the Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY** and ordered printed, in concurrence.

Bill "An Act To Direct the Commissioner of Education To Develop
a Model Policy Regarding Substance Abuse Education in Maine
Schools"

H.P. 1084 L.D. 1594

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 Revise the Laws Regarding Dental Practices"
H.P. 1086 L.D. 1596

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.

COMMUNICATIONS

The Following Communication: S.C. 757

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

February 18, 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 Marianne Moore of Calais, for reappointment to the Washington County Development 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	1	Patrick of Oxford
	Representatives	10	Herbig of Belfast, Austin of Gray, Bates of Westbrook, Campbell of Newfield, Fecteau of Biddeford, Gilbert of Jay, Lockman of Amherst, Mastraccio of Sanford, Stetkis of Canaan, Ward of Dedham
NAYS		0	
ABSENT		2	Sen. Volk of Cumberland, Sen. Cushing of Penobscot

Eleven 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 Marianne Moore of Calais, for reappointment to the Washington County Development Authority be confirmed.

Signed,

Amy F. Volk
S/Senate Chair

Erin D. Herbig
S/House Chair

READ and ORDERED PLACED ON FILE.

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

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 (#495)

YEAS: Senators: None

NAYS: Senators: ALFOND, 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: Senator: WILLETTE

No Senator having voted in the affirmative and 33 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 **Marianne Moore** of Calais for reappointment to the Washington County Development Authority was **CONFIRMED**.

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

The Following Communication: S.C. 758

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

February 18, 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 Heron Weston of Eastport, for appointment to the Washington County Development 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	1	Patrick of Oxford
------	----------	---	-------------------

Representatives 10 Herbig of Belfast, Austin of Gray, Bates of Westbrook, Campbell of Newfield, Fecteau of Biddeford, Gilbert of Jay, Lockman of Amherst, Mastraccio of Sanford, Stetkis of Canaan, Ward of Dedham

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

The Following Communication: S.C. 759

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

February 18, 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 Christine Phillips of Calais, for reappointment to the Washington County Development 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	1	Patrick of Oxford
	Representatives	10	Herbig of Belfast, Austin of Gray, Bates of Westbrook, Campbell of Newfield, Fecteau of Biddeford, Gilbert of Jay, Lockman of Amherst, Mastraccio of Sanford, Stetkis of Canaan, Ward of Dedham

NAYS	0	
ABSENT	2	Sen. Volk of Cumberland, Sen. Cushing of Penobscot

Eleven 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 Christine Phillips of Calais, for reappointment to the Washington County Development Authority be confirmed.

Signed,

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

READ and ORDERED PLACED ON FILE.

NAYS 0

ABSENT 2 Sen. Volk of Cumberland,
Sen. Cushing of Penobscot

Eleven 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 Heron Weston of Eastport, for appointment to the Washington County Development Authority be confirmed.

Signed,

Amy F. Volk S/Senate Chair	Erin D. Herbig S/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 (#496)

YEAS: Senators: None

NAYS: Senators: ALFOND, 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, WHITEMORE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

EXCUSED: Senator: WILLETTE

No Senator having voted in the affirmative and 33 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 **Heron Weston** of Eastport for appointment to the Washington County Development Authority was **CONFIRMED**.

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 (#497)

YEAS: Senators: None

NAYS: Senators: ALFOND, 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: Senator: WILLETTE

No Senator having voted in the affirmative and 33 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 **Christine Phillips** of Calais for reappointment to the Washington County Development Authority was **CONFIRMED**.

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

The Following Communication: S.C. 761

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

February 18, 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 Honorable Leigh I. Saufley of Portland, for reappointment as a Supreme Judicial Court Justice.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Burns of Washington, Johnson of Lincoln, Volk of Cumberland
	Representatives	10	Hobbins of Saco, Evangelos of Friendship, Ginzler of Bridgton, Guerin of Glenburn, Herrick of Paris, McCreight of Harpwell, Monaghan of Cape Elizabeth, Moonen of Portland, Sherman of Hodgdon, Warren of Hallowell

NAYS 0

ABSENT 0

Rep. Mitchell of Penobscot Nation was absent.

Thirteen members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Honorable Leigh I. Saufley of Portland, for reappointment as a Supreme Judicial Court Justice 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, I just want to rise and give a few comments in my support for this nomination. Our country started this history back in 1791 with the first Chief Justice of the U.S. Supreme Court, John Jay, and in Maine, in 1820, our first Chief Justice of the Maine Supreme Court when we separated from Massachusetts. Since then our court system has had a very rich tradition of the third branch of our government and the people that serve there and those who are in leadership there. The present nominee, Chief Justice Saufley, has spent 25 years in the court system in this state, beginning in 1990 as a Judge at Large, 1993 as a Superior Court Justice, 1997 as an Associate Justice, and in 2001 and since as our Chief Justice of our law court, the Supreme Court. It was very interesting to listen to Chief Justice Saufley's presentation to the Judiciary Committee last week when she talked about the priorities that she set when she came into office. I'll just briefly mention some of those. Her first priority for the court system was safety. Under her leadership, our courts are now extremely safe compared to what they were when she first took office, making sure that those who have to go there to

seek justice and those who work there every day are protected from violence. Improvements in the court facilities: which we've seen in at least seven counties and ongoing proposals. Unified court dockets, elimination of the backlog in our court system, which, under her leadership, will be completed at the end of the summer of 2016. Because of her initiative and the law court's individual participation in our court system, we'll have our backlog taken care of. Under her leadership we have seen great strides in our judicial system, especially in the area of specialty courts: co-occurring disorder courts, the veteran's court, and our drug courts. Things that we should all be very proud of and, to a great extent, are due to the efforts of Chief Saufley. It really was a privilege, and has been a privilege, to participate in the confirmation process of these judges in our court and especially so when we have an opportunity to set in a confirmation process for a law court position and, in this situation, the Chief Justice of the law court. As I mentioned the other day in committee, this only happens once in seven years and I will never have that opportunity again and many others won't either. It really was an honor. The committee took advantage of the hearings the other day to talk, have a conversation, if you will, with Chief Justice Saufley. A unique opportunity to have a back-and-forth discussion about her perspectives of our system of justice in this state, where we've been, and she sees us going. It's a unique opportunity that I really cherished and I know those on the committee cherished it also. I think that we can be very proud of our court system here in the state of Maine. I've been involved with the court system since I started in law enforcement in 1970 and I've had the privilege of working under many judges and meeting many other judges and now the opportunity to be here in the Senate, in this Body, and to meet some of the finest legal minds that can possibly come forward to come and be confirmed by this Body. Chief Saufley is no exception to that. In fact I would say she's one of the shining examples of the court system that we have here in the state of Maine. As far as I'm concerned, it's second to none. We should be very happy about that and it's my pleasure today to support this nomination and it's a privilege to give that support, Mr. President. Thank you.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, want to rise and just briefly express my support for the reappointment of Chief Justice Saufley. At the nomination hearing Attorney General Janet Mills came in and testified quite passionately in favor of this reappointment and one of the things that really struck me that she said was the courts should be above politics. Chief Justice Saufley, if you look at her record, has embodied this statement throughout her career. She was originally appointed to the judiciary by Governor McKernan and she has since been reappointed by Governor King, as well as Governor Baldacci. It was Governor King actually who elevated her to the post of Chief Justice. I have had the honor of interacting with this woman who, by the way, was also an historic choice to be Chief Justice. She is our first female Chief Justice in Maine and she was also the youngest Chief Justice ever appointed in Maine. Quite a distinguished career. I've had the pleasure and the honor of interacting with her. She came to Scarborough High School last fall and I was just amazed at the way this woman, who holds one of the highest posts in the state of Maine, interacted at such a

wonderful level with the students and they really were quite amazed as well. She showed an interest in their lives. It wasn't just all about her answering questions from them. She was asking them questions about their interests and their studies and what did they think about the cases that they heard. That was just very impressive. A couple of other quotes that I wanted to share with you from this hearing. Michael Welch, from the Maine Trial Lawyers' Association, said that she was overwhelmingly rated highly and the epitome of the consummate jurist. The last quote was, "I doubt we will ever have a Chief Justice that works as hard as she does." It is certainly my honor, and it's all of our honors, to be able to confirm this nomination this morning. Thank you.

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

Senator **JOHNSON:** Thank you, Mr. President. I rise to gladly add my support to our confirmation of Chief Justice Leigh Saufley. She came before the committee and spoke not only of what her accomplishments had been, of her proven ability to hold the Chief Justice of the State of Maine responsibilities, but she also spoke of what the ideals were that she and, under her direction, our court system live up to every day. Those include placing fairness and justice foremost and working for the integrity of our court system so that every person in the state of Maine who comes before the court can experience and expect that treatment in our court system. To me, that's the core of our justice system, being just. We also had the opportunity to talk with her about what her view of the current circumstances and the future direction the courts. I found that to be very impressive as well. She spoke about the need to innovate and adjust with the times. There will soon be a case management system in place, which will enable far more of the information about what's happening in the courts to be interacted with by all the people who are working with the court system and within the court system and ensure that those records are appropriately available as needed. She spoke with us about the fact that family law was never anticipated to be the nature of what it is today in the design of the court system and how at the time when family law was first instituted divorces were rare. Families were very different. Times have changed and so many families coming through our court system today are dealing with some of the most troubling and difficult times of their lives and they come through different doors. She spoke of the need to have a single door for families to come through, depending on what their matters are relating to their family circumstances are, that they get handled in a way that makes that experience certainly living up to those ideals of fairness and justice and integrity, but also a bit less complicated. She spoke of some of the other things that we need to work on still in the State of Maine and find better ways to deal with both as a Legislature and in our court system. Domestic violence and human trafficking, drug abuse. The need for things like step-down housing for drug addiction because, in spite of the great success of the drug and co-occurring disorders court, which they are working to expand across the state of Maine and build on that success, there's also a support needed outside of the court system for that recovery process. I think that she spoke well of our need to do what it takes in the Legislature to support the work of the courts and the needs of the people of the state of Maine from that viewpoint. I'd very much appreciate the opportunity to have those discussions with Chief Justice Saufley and urge you all to support her for her

fine and wonderful work in that capacity in the past. I'm sure she will continue to serve us very well in the future. Thank you.

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

Senator **HASKELL:** Thank you very much, Mr. President. Colleagues of the Senate, I'd like to take an opportunity, because they don't come around very often, to speak personally about my experiences with the Chief Justice. She's over there going, "I hope not." I do want you to understand the kinds of opportunities that she's created in our system. Not very long ago, it seems, along with the First Lady of the State of Maine and U.S.M. Professor Peter Pitegoff, the Chief Justice stepped forward and created what was to be a task force on juvenile justice. If you know the Chief Justice, she knows that you know that she prefers a small group of people who know what they're talking about and very quick results. The task force was designed to be maybe a dozen or possibly two dozen people. What we found out very, very quickly was that there were people clamoring at the door to be part of the juvenile justice task force; to have their say, to talk about what their part was. That task force expanded to about 50 or so people who all showed up on a regular basis because the Chief Justice was part of this, the First Lady was part of this, the law school was part of this, but I think mostly because when the Chief Justice says, "Here's something that's important to us," people show up and they did. A series of 72 recommendations were put together by that group. Believe it or not, the large group was able to get something done, but that was not good enough for the Chief Justice, for the First Lady, and for Professor Pitegoff. They insisted that there be an implementation council. In order words, some group to get the work done so we didn't just have another report sitting there being dusted off. I was truly privileged, along with Professor Chris Northrup from the University, to be co-chairs of that implementation council. We reported back to these three people on a regular basis on our work on implementing these 72 items that were in there. I'll tell you that many of them were implemented, many of them have made a huge difference in our juvenile justice system, but it's not without leadership that that kind of thing happens and it's not without that foot on the gas pedal of let's get this done that was created by the Chief Justice. I am eternally grateful to her for that opportunity for me personally, but also for all of those involved in the juvenile justice system in the state. We owe a great debt of gratitude for her persistence and her focus on this issue, as well as many others. It's such a pleasure here today to be able to speak in favor and strongly supporting this re-nomination. Thank you, Mr. President.

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

Senator **MASON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today to support the nomination of Chief Justice Saufley for another term to the court. I think it's important for us, especially when we have personal experiences with someone, to put something on the record for posterity's sake. That's one of our jobs here as a Senate, to confirm nominees. Today we have a great one in front of us. My first term in the Legislature in the 125th was my first time here, first time chairing a committee, and I got to chair the Criminal Justice and Public Safety Committee. As you can imagine, we get to hear from the

court from time to time. One of my first experiences with Chief Justice Saufley was when the Supreme Court started doing their Court For A Day program. As someone who believes deeply in the power of education to change somebody's life, that meant a lot, that the court would take their time to come to a high school and actually hear cases in front of students. It was such an awesome experience and I know that for a fact that there are kids that are studying pre-law right now because of that experience. It was just a fantastic day at Lisbon High School and I think that those things ought to be noted on the record when people do great things. I'd like to thank the Chief Justice for that. She is such a wonderful ambassador for the court and I'm proud that she is our Chief Justice and look forward to what she's going to do over her next term. I congratulate her on her reappointment. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I think when the public thinks of a Supreme Court Justice they think about someone who is stern, with no sense of humor, someone who is unapproachable, and someone who is out of touch with everyday people. We are very fortunate, Mr. President, that Chief Justice Saufley flunks all three of those tests every day. Just to give you perhaps some idea of what it is like to appear before the law court, you're there and there are these seven Justices in black robes sitting up there, higher than you are, and you never know where the questions are going to come from. It's a very intimidating situation to be in. Chief Justice Saufley, as she did when she was a trial judge, immediately places people at ease. Whether it is the running of the court, the administration of the court; whether it is the way that she considers cases and writes her decision, not being afraid to dodge the tough issues; or whether it is putting on her political hat and being an advocate for the needs of the judiciary, both on the second and the third floor, four words come to mind, Mr. President, when I think of Chief Justice Saufley: breath of fresh air. She is the face of the judiciary in the State of Maine and how fortunate we all are for her public service. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you, Mr. President. Men and women of the Senate, I rise today, also, to say a few good words about Chief Justice Saufley. As the good Senator from Cumberland had said, this is an extra-ordinary event. This is not something that happens every day. I do feel that it is important for us to stand up and to say a few of our thoughts on there. As a former chair of the Judiciary Committee, I have had the honor of working with Chief Justice Saufley. We've done a lot on court security. We toured the new capital judicial center as it was being built and had the wonderful hard hats on for our photo opps. The drug court, judicial nominations, and everything else, including budgets for the judicial branch. I always look forward to her State of the Judiciary and her humor and her bluntness on matters of importance to the judicial branch. Just to recall one quick story. I was in the other Body, in the House, and she had given her State of the Judiciary. I was new. It had been my first term that I was there and it was something they had just started, coming down to

high schools. She mentioned during her speech, "If you are interested in having us come down to one of your high schools let me know because there's an opportunity, maybe, to do one or two schools. We're just testing this out." Literally, I think I tackled her in the aisle as she was walking away from the podium and said, "Come to Thornton Academy," as everybody is around her. She leaned over to Ted and said, "Okay, put her on the book, put her on the book and Thornton Academy." I must say, she was so generous when she came down. People that know me know that I have a tendency to organize and maybe push a little bit. She came down not just for the presentations of the court but I managed to have her stay for a nice luncheon, got her on TATV for an interview, and she was so gracious with all of the students. Everything we did, she just really made a wonderful, wonderful day of it. She's a leader, a mentor, and a rational voice for the people of the state of Maine. I applaud this reappointment and the unanimous recommendation of the Judicial Committee. She has been, and will continue to be, an outstanding Chief Justice for Maine. Thank you.

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

Senator **GERZOFSKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I also rise to give my unanimous support, my strongest support, for this nominee. The Chief Justice has been just as good as everybody that has gotten up says she is. I'm going to make this short and sweet because I believe that the past chair and current member we have worked side-by-side on many issues, even looking at the criminal code, which was an act of love, I think. I just want to say, short and sweet, the Chief Justice rocks and everything that's been said about her today certainly is appropriate. Mr. President, I urge all my friends and all the other Senators here, there's a difference, to support this nominee. Thank you very much.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, sometimes we rise to give our words of recommendation and we diminish from the important things that were already said, so I will keep my statement brief, but I did feel that Justice Saufley deserves to be recognized and have extended greetings brought to this Body on behalf of what a tremendous role model she has been, how she has served our state and the Judicial Branch very capably, and I think it's a testimony to the quality of what we have here in Maine, that we have someone of her caliber that leads our court. I had the similar experience that many of you did in attending some of the local sittings of the court in high schools and, for myself, my daughter had participated in the mock trial program. They ultimately sat for their competition before a panel which included the Chief Justice. She takes a tremendous amount of time to impart in the young people what a value it is for them to consider the law and I think in today's society it becomes even more important that we have role models that exhibit the grace and the pose that the Chief Justice does in her interactions with the public. Many of those, unfortunately, as we know, come from behind the bench, so for her to take the time and effort to publicly come out to interact with us here in the Legislature on important issues and to be the face of the court to the public in a positive

way, I think, speaks for her commitment to this role. I want to add my personal endorsement for this nomination. Thank you, 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 (#498)

YEAS: Senators: None

NAYS: Senators: ALFOND, 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, WHITEMORE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

EXCUSED: Senator: WILLETTE

No Senator having voted in the affirmative and 33 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 the Honorable **Leigh I. Saufley** of Portland for reappointment as a Supreme Judicial Court Justice 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 the Supreme Judicial Court Justice Leigh I. Saufley. Will she please rise and accept the congratulations of the Senate.

Off Record Remarks

The Following Communication: S.C. 760

STATE OF MAINE 127TH LEGISLATURE OFFICE OF THE GOVERNOR

February 17, 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 Rear Admiral Bryan P. Cutchen of West Gardiner for appointment to seat 1 of the Maine Turnpike Authority Board of Directors.

Pursuant to Title 23, MRSA §1964-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 752

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION &
FORESTRY**

February 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1178 An Act To Implement the Recommendations of
the Maple Syrup Task Force

This is notification of the Committee's action.

Sincerely,

S/Sen. Peter E. Edgecomb S/Rep. Craig V. Hickman
Senate Chair House Chair

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

The Following Communication: S.C. 753

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

February 16, 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 Energy, Utilities and Technology has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1315 An Act To Amend Maine's Restructuring Laws

This is notification of the Committee's action.

Sincerely,

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

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

The Following Communication: S.C. 754

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 17, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 640 Resolve, To Establish a Working Group To
Review the Incidental Take Permitting Process
under the Endangered Species Laws

This is notification of the Committee's action.

Sincerely,

S/Sen. Paul T. Davis
Senate Chair

S/Rep. Robert S. Duchesne
House Chair

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

The Following Communication: S.C. 755

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

February 17, 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 Labor, Commerce, Research and Economic Development has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1240 An Act To Phase Out the Payment of
Subminimum Wages to Workers with
Disabilities

This is notification of the Committee's action.

Sincerely,

S/Sen. Amy F. Volk
Senate Chair

S/Rep. Erin D. Herbig
House Chair

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

The Following Communication: S.C. 756

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

February 17, 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. 227 An Act To Remove Barriers to Job
Opportunities for Young Truck Drivers

L.D. 287 An Act To Improve Traffic Safety during
Political Campaign Seasons

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.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1089

**JOINT RESOLUTION HONORING THE LIVES OF THE
33 CREW MEMBERS OF THE EL FARO**

WHEREAS, the *El Faro* departed Jacksonville, Florida for Puerto Rico on September 29, 2015 with 33 crew members aboard; and

WHEREAS, the crew of the *El Faro* consisted of 28 citizens of the United States and 5 Polish nationals; and

WHEREAS, the *El Faro* sent distress alerts on October 1, 2015 and subsequently sank with all hands that day; and

WHEREAS, members of the United States Coast Guard, Navy and Air Force valiantly searched for the crew members of the *El Faro*; and

WHEREAS, the people of Maine mourn the loss of the 33 crew members aboard the *El Faro*; 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 and honor the lives of the 33 crew members aboard the *El Faro*, who were lost after the *El Faro* sank on October 1, 2015; and be it further

RESOLVED: That we recognize the efforts of the members of the United States Coast Guard, Navy, Air Force and Military Sealift Command who searched for the crew members of the *El Faro*; and be it further

RESOLVED: That we recognize the 4 crew members from Maine who were aboard the *El Faro*: Michael Davidson, of Windham; Michael Holland, of Wilton; Dylan Meklin, of Rockland; and Danielle Randolph, of Rockland; and also Mitchell Kuflik, of Brooklyn, New York, a graduate of Maine Maritime Academy; and be it further

RESOLVED: That we offer our heartfelt condolences to the families, friends and loved ones of the crew members of the *El Faro*.

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

READ and **ADOPTED**, in concurrence.

THE PRESIDENT: The Chair is pleased to recognize Dr. William J. Brennan; Lt. Allison M. Small of Castine; Charleen Heidkamp of Pittsburgh, Pennsylvania; Christina Wilson of East Granby, Connecticut; Matthew Link of Sparta, New Jersey; and Levi Parish of Portland, Maine. They are the guests today of the entire Senate and members of the Maine Maritime Academy. Would they please rise and accept the greetings of the Senate.

Michael Lee Holland, of Wilton, who was lost at sea on October 1, 2015. Mr. Holland was one of the 33 crew members aboard the S.S. *El Faro*, which sank during Hurricane Joaquin near Crooked Island, Bahamas. He was a 2008 graduate of Jay High School and continued his education at the Maine Maritime Academy, graduating in 2012. He shipped for the past 3 years as a 3rd Assistant Engineer, most recently for TOTE Services, with the United States Merchant Marine and was a member of American Maritime Officers. Mr. Holland will be long remembered and sadly missed by his family and friends;

SLS 751

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd like to share with you what I shared at the memorial service for Mike this past fall.

Thank you. I'm honored to be with you here today. Although I've never gone to sea I have some saltwater in my veins. My Dad, you see, was a Merchant Marine. He served this country during WWII as a Merchant Marine and went to sea the first six years of my life. He loved the sea and I'm sure he'd be here today to offer his thoughts and condolences. In New York City there's one of the most memorable lost at sea memorials

anywhere. It is located in the west side of Battery Park in Manhattan near the line to board the ferries to the Statue of Liberty and Ellis Island. The memorial is designed and based on a photograph from an actual WWII event. In that event a German submarine attacked and sank an American Merchant vessel, thought to be an oiler. The submarine surfaced, took photos of the survivors. The memorial depicts the scenes in one of those photos. The submarine did not pick up the survivors. They were lost at sea in the vast Atlantic. There's a plaque at that memorial and it reads, "Dedicated to all Merchant Marines who have served America from the Revolutionary War to the present day. In the prosecution of war and in pursuit of peaceful commerce, unrecognized thousands have lost their lives at sea. Their sacrifice has helped secure America's liberty and prosperity." The sculpture was inspired by a photograph of the victims of the submarine attack on the Merchant Marine ship. It serves as a memorial to the Merchant Marines resting in unmarked ocean depths. Lizzie Clark Hardy, at a memorial service, said these words in a poem: Sometime at Eve when the tide is low I shall slip my moorings and sail away, with no response to the friendly hail of kindred craft in the busy bay. In the silent hush of the twilight pale, when the night troops down to embrace the day, when the voices call in the water's flow, sometime at eve, when the water is low, I shall slip my moorings and sail away. Through purple shadows that darkly trail over the ebbing tide and the unknown sea, I shall fair me way in dip of a sail and a ripple of waters to tell the tale of a lonely voyager sailing away to the mystic isles where at anchor lay the crafts of those who had sailed before over the unknown sea to the unknown shore. A few who watched me sail away will miss my craft from the busy bay. Some friendly barques were anchored near, some loving soul my heart held dear in silent sorrow will drop a tear but I shall have peacefully furled my sail in mooring sheltered from the storm and gale and greeted friends who had sailed before over the unknown sea to the unknown shore

Let me close in a different version of the 23rd psalm: The Lord is my pilot; I shall not drift. He lights me across the dark waters. He steers me in deep channels. He keeps my log. He pilots me by the Star of Holiness for His Name's sake. Yea, though I sail mid the fenders and tempests of life I will dread no danger; for He is near me. His love and His care shelter me. He prepares a harbor before me in the Homeland of Eternity; He anoints the waves with oil; my ship rides calmly. Surely sunlight and starlight shall be with me wherever I sail, and at the end of my voyaging I shall rest in the port of our Lord forever.

Mike, rest in peace. Your Mom and I will keep your promise.

THE PRESIDENT: The Chair is pleased to recognize Mike Holland's parents: Deborah Roberts, Robin Roberts, and Mike's girlfriend, Kelsea Beisaw. Would they please rise and accept the condolences of the Senate.

REPORTS OF COMMITTEES

House

Pursuant to Joint Order

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Establish a Contingency Wildlife Management Plan" H.P. 1083 L.D. 1593

Reported that the same be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, pursuant to Joint Order, H.P. 976.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

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

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence.

Ought to Pass

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 373: Financial and Technical Capacity Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1064 L.D. 1568

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.

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1065 L.D. 1569

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.

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Chapter 380: Long-term Construction Projects Under the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) H.P. 1066 L.D. 1570

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.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of the Final Repeal of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1047 L.D. 1522

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.

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Allow Members of the State Employee and Teacher Retirement Program To Reapply for Disability Retirement Benefits after Denial and To Allow the Board of Trustees of the Maine Public Employees Retirement System To Offer Long-term Disability Insurance Coverage" H.P. 1004 L.D. 1463

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-517)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-517)**.

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

READ ONCE.

Committee Amendment "A" (H-517) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-518)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-518)**.

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

READ ONCE.

Committee Amendment "A" (H-518) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure the Comprehensive Medical, Dental, Educational and Behavioral Assessment of Children Entering State Custody"

S.P. 82 L.D. 213

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-362)**.

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

READ ONCE.

Committee Amendment "A" (S-362) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Create and Sustain High-quality Maine Jobs"

S.P. 578 L.D. 1480

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-363)**.

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

READ ONCE.

Committee Amendment "A" (S-363) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1058 L.D. 1555

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

House As Amended

Bill "An Act To Amend the Laws Governing Participating Local Districts in the Maine Public Employees Retirement System"

H.P. 690 L.D. 995

(C "A" H-514)

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

Bill "An Act To Allow York County To Better Provide Rescue and Ambulance Services"

H.P. 124 L.D. 166

(C "B" H-513)

READ A SECOND TIME.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate

Bill "An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation" (EMERGENCY)
S.P. 607 L.D. 1551

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Promote Reemployment of Unemployed Workers"
S.P. 406 L.D. 1137
(C "A" S-360)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (EMERGENCY)
S.P. 559 L.D. 1457
(C "A" S-361)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System
H.P. 704 L.D. 1021
(C "A" H-511)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senator having voted in the negative, and 33 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.

Emergency Measure

An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation Concerning Pension Income
H.P. 1029 L.D. 1506
(C "A" H-510)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senator having voted in the negative, and 33 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.

Act

An Act To Allow All Manufacturers Licensed by the Bureau of Alcoholic Beverages and Lottery Operations To Provide Samples of Products to Retail Licensees
S.P. 562 L.D. 1461
(C "A" S-353)

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.

Resolve

Resolve, Directing the Treasurer of State To Study the Most Effective Options for Maine Residents To Participate in Tax-advantaged Savings Accounts for Persons with Disabilities
H.P. 967 L.D. 1421
(C "A" H-509)

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

Ordered sent down forthwith.

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 (2/9/16) matter:

JOINT ORDER - Recognizing Pitman-Morrison Post No. 7738 of the Veterans of Foreign Wars in Bath
SLS 908

Tabled - February 9, 2016, by Senator **BAKER** of Sagadahoc

Pending - **PASSAGE**

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

READ.

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

Senator **BAKER:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, it is a privilege to rise today to honor the VFW Pitman-Morrison Post No. 7738 in Bath. This Post has been recognized by National VFW in honor of its 50th Anniversary. My father, my husband, and my son have all been veterans of foreign wars so I am well acquainted with the good work of the VFW as a fellowship and community outreach organization. It is important that when veterans return home they have a place to go to connect with others who understand their experiences. The VFW provides such an opportunity and so much more. In Bath we are fortunate to have such an active and dedicated Post, named for two Morse High School graduates and men who lost their lives in WWII. The Post has been living up to the honorable legacy of Reed Pitman and Barston Morrison. The Pitman-Morrison Post has been nationally recognized for its charitable works and those good works are in addition to the services they provide for veterans who have returned from foreign service. Donating nearly \$30,000 and thousands more hours in volunteer service last year, the members of the Post are demonstrating that they are dedicated to service, whether that service be on our land or overseas. Our nation's veterans deserve our utmost respect and gratitude. I am pleased we could be joined by members of the Pitman-Morrison Post here today, especially charter member Don Hill, and thank them for all they have done for our country, our state, and our local community. Thank you, gentlemen.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Commander Ken Lambert, Don Hill, Mike Hart, John Kennedy, and Edna Kennedy. They are all members of the Pitman-Morrison Post 7738 of Bath. Would they please rise and accept the congratulations of the Senate.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (1/12/16) matter:

Bill "An Act To Protect Shellfish Conservation Areas"
S.P. 606 L.D. 1550

Tabled - January 12, 2016, by Senator **BAKER** of Sagadahoc

Pending - **REFERENCE**

(Committee on **MARINE RESOURCES** suggested and ordered printed.)

On motion by Senator **MASON** of Androscoggin, Bill and accompanying papers **INDEFINITELY POSTPONED.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (2/4/16) matter:

SENATE REPORT - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding the Election Laws" (EMERGENCY)

S.P. 582 L.D. 1484

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-350)**

Tabled - February 4, 2016, by Senator **CYRWAY** of Kennebec

Pending - **ACCEPTANCE OF REPORT**

(In Senate, February 4, 2016, Report **READ.**)

Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-350) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

JOINT ORDER - Recognizing Nate Cotnoir of Sidney
SLS 906

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

Pending - **PASSAGE**

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

READ.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I'm pleased to rise to recognize one of our district's finest people, Nate Cotnoir, who did receive this Young Professionals Award, which you have to be under the age of 40 to achieve, making most of us in this Chamber ineligible. Nate has been quite a star. When you think about it, he's got his wife, Jamie, with him today. He's got a young son. He is a Vice President at Camden National Bank. It's really not for those reasons that he's being recognized by the Chamber. It's because of all the things he does in the community, ranging from the Augusta Housing Authority to the Gardiner Board of Trade to Big Brothers, Big Sisters, to Gardiner Main Street, to the Synergy Group itself. The Chamber made a fine choice and I like to think that maybe one of these days that Nate Cotnoir will be sitting in one of these seats, Mr. President. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Nate Cotnoir of Sidney. His wife accompanies him today, Jamie Cotnoir. They are the guests of the Senator from Kennebec, Senator Katz. Would they please stand and accept the greetings of the Maine Senate.

Off Record Remarks

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

SENATE PAPERS

Pursuant to Resolve

Joint Standing Committee on Education and Cultural Affairs

Senator **LANGLEY** for the **Joint Standing Committee on Education and Cultural Affairs**, pursuant to Resolve, chapter 51, section 2 asked leave to report that the accompanying Bill "An Act To Replace a Statue in the National Statuary Hall Collection" S.P. 645 L.D. 1604

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Report **READ.**

On motion by Senator **LANGLEY** of Hancock, **ACCEPTED.**

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

Off Record Remarks

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

On motion by Senator **SAVIELLO** of Franklin, **ADJOURNED**, until Thursday, February 25, 2016, at 10:00 in the morning, in memory of and lasting tribute to Michael Lee Holland of Wilton and the entire crew of the El Faro.