

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
March 17, 2016

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

Prayer by Senator Rodney L. Whittemore of Somerset County.

SENATOR WHITTEMORE: Good morning. Let us pray. Father in heaven, on this day we pray for patience and endurance. Many of us are growing weary with all the hearings, meetings, and debates. We all have our own ideas about what should be said and how to say it. We all know whether a bill should be tabled, approved, or defeated. Today we pray for Your help to guide us in putting forward Your will in these matters. Let us be patient with each other, but not to the point where the people of Maine suffer. Make us uncomfortable as long as people are suffering and we have the power to alleviate that suffering. Lord, continue to guide us through Your spirit so that we may do Your will. We ask this through Christ our Lord. Amen.

Pledge of Allegiance led by Senator Thomas B. Saviello of
Franklin County.

Reading of the Journal of Wednesday, March 16, 2016.

Doctor of the day, Shayna Lemke, D.O. of Bridgton.

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. 679

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, March 22, 2016 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 845

**STATE OF MAINE
127TH LEGISLATURE**

March 3, 2016

Brigadier General Douglas A. Farnham
The Adjutant General of Maine
Military Bureau, Camp Keyes
33 State House Station
Augusta, Maine 04333-0033

Dear Brigadier General Farnham:

We are pleased to invite you to address a Joint Convention of the 127th Maine Legislature on Tuesday, March 22, 2016 at 11:00 a.m. concerning matters of defense, veterans' services and emergency management, and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 846

**STATE OF MAINE
DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY
MANAGEMENT
33 STATE HOUSE STATION
CAMP KEYES, AUGUSTA, MAINE 04333-0033**

March 7, 2016

Honorable Michael D. Thibodeau President of the Senate
3 State House Station
Augusta, Maine 04333-0003

Dear Senator Thibodeau:

As the Commissioner of the Maine Department of Defense, Veterans and Emergency Management and the Adjutant General of the Maine National Guard, I accept your invitation to address the Joint Session of the 127th Maine Legislature on Tuesday, March 22, 2016 at 11:00 a.m.

Sincerely,

S/Brigadier General Douglas A. Farnham
Commissioner and Adjutant General

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 847

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

March 15, 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 Agriculture, Conservation and Forestry from its review and evaluation of the Maine State Harness Racing Commission under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The Committee received a completed program evaluation report on January 12, 2016. Following this submission, the Committee reviewed the report and received a presentation from Henry Jennings, Acting Executive Director of the Maine State Harness Racing Commission.

After conducting this review, the Joint Standing Committee on Agriculture, Conservation and Forestry discussed several issues and concerns related to the current state of the harness racing industry and unanimously voted to generate a bill to address some of those concerns. However, because we are nearing the end of session and the bill has not yet been printed for referencing, the Committee does not intend to move forward with the bill at this time. We hope that a member of the 128th Maine Legislature will introduce the bill that is currently being drafted and that the next Legislature will thoughtfully address these important issues.

Sincerely,

S/Senator Peter E. Edgecomb
Senate Chair

S/Representative Craig V. Hickman
House Chair

READ and ORDERED PLACED ON FILE.

The President requested the Sergeant-At-Arms escort the Senator from Androscoggin, Senator **MASON**, 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 **GARRETT P. MASON** of Androscoggin County.

Senate at Ease.

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

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

ORDERS

Joint Resolution

Joint Resolution in Memoriam:

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

Charles Cawley, of Camden, philanthropist and cofounder and former head of MBNA, an international credit card company, who made a significant impact on Maine. Mr. Cawley was born and raised in New Jersey, but each summer during his childhood he came to stay in Lincolnville, where he continued to visit as a young adult. In 1982, Mr. Cawley helped found the Maryland Bank National Association; he later created MBNA, based in Delaware, from the bank's credit card division. By the early 1990s, Mr. Cawley brought MBNA to Camden, and as the business grew, it expanded into Belfast in 1996 and Rockland in 2000. MBNA call centers were opened in Orono and Portland, then a few years later in Rockland, Brunswick, Farmington, Fort Kent and Presque Isle. When Mr. Cawley retired as Chief Executive Officer of MBNA in 2003, the company employed about 28,000 people, including nearly 5,000 in Maine. Mr. Cawley was known as a generous philanthropist, making million-dollar donations to nonprofit organizations, food pantries, museums, schools, libraries and scholarship funds. He cared deeply about Maine. His vision and legacy will continue for generations to come. Mr. Cawley will be sadly missed and long remembered by his loving family, his friends and the communities where he made such a lasting impact;

SLS 1009

Sponsored by President THIBODEAU of Waldo.
Cosponsored by Senators: JOHNSON of Lincoln, MIRAMANT of Knox, Representatives: BEEBE-CENTER of Rockland, BURSTEIN of Lincolnville, EVANGELOS of Friendship, GILLWAY of Searsport, HERBIG of Belfast, KINNEY of Knox, KRUGER of Thomaston, KUMIEGA of Deer Isle, SUKEFORTH of Appleton, WARD of Dedham, WELSH of Rockport.

READ.

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, you know, most of us, if we have an opportunity to have a positive impact on just a single life then we felt like we've accomplished a lot. For those who had an opportunity to impact a dozen, a hundred, or even a thousand, that's an amazing accomplishment in their lives. I'm talking to you today about a gentleman that has had an opportunity to impact hundreds of thousands of lives in a positive way. What Charlie Cawley did for the people of both the state of Maine and across this country is simply amazing. I am young man that grew up in Waldo County. My folks lived there. My grandparents were born there. My great-grandparents moved there. When I grew up in Waldo County we always anticipated that big things happen someplace else. That culture changed when Charlie Cawley brought MBNA to Belfast. Incidentally, today is the anniversary of the founding of MBNA in 1982. When MBNA made the decision to move to, originally, Knox County they started with the woolen mill right in Camden. I was a much younger man then and had a construction company. We were hauling some concrete down there to help do some of the project. I can remember looking at my accounts receivable and there was this outfit named MBNA and they owed me \$30,000 or \$40,000. I had no idea who they were but I wanted my money. I had no idea what MBNA was. The people of Waldo County, Knox County, didn't anticipate that something this big or this good could happen in our state. It just was not part of the culture at the time. The investment that Charlie Cawley was willing to make in our state, the jobs that he created, the legacy that he has left behind; he has changed the mid-coast for generations. The assets that he invested there, the jobs that still exist with Bank of America, truly are culturally changing, and for the better. When Charlie passed I know that many of us saw it in the news, but I'll assure you even though I never had the privilege of meeting Mr. Cawley I think that many, many people across our state felt a great loss because this man was able to change our state, change the regions of Waldo and Knox Counties so significantly that we truly believe in ourselves that we know that great and wonderful things don't just happen someplace else, they happen right here in Maine, they happen in my backyard and your backyard. I know that Mr. Cawley is sadly missed by his friends and his family, but I think that the reality is the legacy that he's left through his generosity through charitable giving and his willingness to give to the community has never been seen before in the region that I come from and it has left a mark on our communities that won't be easily duplicated. I think that our state lost a giant of a man and somebody that truly has left a legacy that we all should be proud of. It's with a heavy heart that we remember the passing of Charlie Cawley. Thank you.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber the following people: Shane Flynn, Parker Laite, Joanne Melanie, Chip Laite, Dorothy Eureka, Peter Vigue, and Brian King. Would they please rise and accept the condolences of the Senate.

Joint Order

Expression of Legislative Sentiment recognizing:

The Reverend Harold Churchill, of Lewiston, who is retiring as pastor of the First United Pentecostal Church of Lewiston. Mr. Churchill, a native of Fort Fairfield, started the church in 1972. Services were held at various locations until the church was built on College Street. In 2001, a second building was added with offices and a hall for social events. He has also been active in the Maine District of the United Pentecostal Church International, serving in various capacities. He currently serves as honorary district board member. We extend to Mr. Churchill our congratulations on his retirement and offer him our best wishes;
SLS 1002

Sponsored by Senator LIBBY of Androscoggin.
Cosponsored by Representatives: BROOKS of Lewiston, GOLDEN of Lewiston, LAJOIE of Lewiston, ROTUNDO of Lewiston.

READ.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Androscoggin, Senator Libby.

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise to recognize someone who's in the Chamber us today: Reverend Churchill, who's retiring after 44 years of serving as pastor of the First United Pentecostal Church in Lewiston. Reverend Churchill is a native of Fort Fairfield and he has pastored in Eastport and Caribou before arriving in Lewiston 44 years ago. His first sermon in Lewiston was preached in his own living room using a saxophone case as pulpit with five people in attendance: he, his wife, Verssie, and their three daughters, Pamela, Penny, and Paula. Since that time the church has grown into a vibrant and diverse congregation with a beautiful debt-free facility, three weekly worship services, and an active Sunday school and youth and adult programs. Reverend Churchill's performed innumerable weddings, baptisms, hospital visits, and funerals supporting his congregation in our Lewiston/Auburn community. He and the church served our community by offering food baskets to needy families, free annual Christmas concerts, and free transportation to worship services. This church also provides financial support to over 40 missionaries around the world. It's my great privilege to thank and recognize Reverend Churchill for his 44 years of service to our community. It's my pleasure as well to acknowledge his successor, the Reverend Todd Little and his wife, Jackie Little, who are in the gallery today. I'm very pleased to wish congratulations and best wishes for your retirement, Reverend Churchill. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber the Reverend Harold Churchill of Lewiston. Will he please rise and accept the congratulations of the Senate.

The Orono High School Girls Cross Country Team, of Orono, which won the 2015 Class C State Championship. This is the 3rd-straight Class C state title for the Red Riots. We extend to all the members of the team our congratulations and best wishes;
HLS 858

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Penobscot, Senator Dill.

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I will try to be brief. As you have heard, we have 75, approximately, students from Orono High School and from Old Town High School here behind us and in the gallery. This certainly is representing a fine bunch of young individuals. Quickly, I just want to say a few things about each group. First is the Indoor Track Team. This was their first State Championship. They had won four previous outdoor championships, but this was their first indoor championship beating five time winning Waterville. Orono led the whole way during the State final. Another thing I'd like to add now is to the Girls Soccer Team. Again, a first time State Championship for them. They took a lead and never looked back on their State Championship game. I believe the final score was 4-0 with something like 40 shots on goal. An amazing feat in itself. The Orono Cheerleaders, again, first time State Championship for them. They had won previously, both the Penobscot Valley Conference and Class C North titles heading into the State finals where they did their tumbling and stunts to the theme of the "Big Bang Theory." They won the crown with 5 points over the runner-up. The Girls Cross Country Team, this is their third straight State title. Not only did they win their own class, but they had enough points to beat all classes also. As I said, although it was for their own class they had done an amazing job and they only have one senior on the team, so we expect to see them back again next year. The Orono Speech and Debate Team, as has been mentioned, there were several students that qualified for the Nationals. Melissa St. Peter in Humorous Interpretation, Alex Fergusson and Sam Sheppard in Duo Interpretation, Joe Sheppard in Informative, and Jessie Walker in Oral Interpretation. Every single member of the team placed in the top four in their events. Tia Tardy, who was named the Gatorade State Girls Cross Country Runner of the Year, led the Red Riots team to their third straight Class C Cross Country State Championship. Only a junior. She was undefeated in Maine competition. She followed that up by winning the Class C State Championship and went on to finish 12th in New England. Something else about this young lady, she also has maintained a straight A average in the classroom and she's the co-founder of the Lincoln Lakes Track Club. Last but not least, I would mention Connor Archer. Connor goes to Old Town High School and he won the 2016 Prudential Spirit of Community Awards program for

exemplary volunteer service. You heard what was mentioned about him. A couple of things that I do want to say, and not the least, he serves on the RSU 34 School Board with me. He's a student representative to our local school board. As mentioned, he was founder of Courageous Steps, which is an award program for volunteer efforts. One thing that I would say, just to finish this off, the fundraiser goes to several different events to help folks out in the area. They support endeavors ranging from scholarship funds, back to school supply boxes, technology and garden landscaping projects at the Greenhouse Nursery School in Milford, which gave him is educational start after he was diagnosed at age 3 with autism. This is an outstanding young man. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize the following in the Chamber with us today: the Orono High School Class B State Indoor Track Team Champions; Tia Tardy, Gatorade State Girls Cross Country Runner of the Year; the Orono High School Debate Team; the Orono High School 2015 Class C Girls Soccer State Champions; the Orono High School 2016 Class C State Cheerleading Champions; Connor Archer of Old Town; the Orono High School 2015 Class C Girls Cross Country Champions; Mike Archer, Athletic Director for Orono High School; and Scott Gordon, Principal of Old Town High School. Would they please all rise and accept the greetings and congratulations of the State Senate.

The President Pro Tem 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 Androscoggin, Senator **MASON**, to his seat on the floor.

Senate called to order by the President.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Delay Any New Statewide Assessment Test" (EMERGENCY)

H.P. 1000 L.D. 1459

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-553).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-553).**

Report **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#520)

YEAS: 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, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

34 Senators having voted in the affirmative and No Senator having voted in the negative, the **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-553) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Clarify Expenditures Regarding Androscoggin County" (EMERGENCY)

H.P. 1012 L.D. 1489

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-551)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551)**.

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

READ ONCE.

Committee Amendment "A" (H-551) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Support Expanded Capacity for Breeding Wild Atlantic Salmon in Downeast Rivers"

H.P. 271 L.D. 405

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

BAKER of Sagadahoc
LANGLEY of Hancock

Representatives:

KUMIEGA of Deer Isle
DEVIN of Newcastle
HAWKE of Boothbay Harbor
PIERCE of Dresden
SAWICKI of Auburn
TUELL of East Machias

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-561)**.

Signed:

Senator:

MIRAMANT of Knox

Representatives:

ALLEY of Beals
BATTLE of South Portland
BLUME of York
McCREIGHT of Harpswell

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **BAKER** of Sagadahoc, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass As Amended

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve the Workers' Compensation System"

S.P. 608 L.D. 1553

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-399)**.

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

READ ONCE.

Committee Amendment "A" (S-399) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator McCORMICK for the Committee on **TAXATION** on Bill
"An Act Regarding the Educational Opportunity Tax Credit"
S.P. 634 L.D. 1587

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (S-397)**.

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

READ ONCE.

Committee Amendment "A" (S-397) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN
SERVICES** on Resolve, To Establish the Commission To
Continue the Study of Difficult-to-place Patients (EMERGENCY)
S.P. 653 L.D. 1615

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (S-398)**.

Signed:

Senator:
HASKELL of Cumberland

Representatives:
GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HEAD of Bethel
HYMANSON of York
MALABY of Hancock
PETERSON of Rumford
STUCKEY of Portland
VACHON of Scarborough

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

Signed:

Senators:
BRAKEY of Androscoggin
McCORMICK of Kennebec

Representative:
SANDERSON of Chelsea

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT**
the Minority **OUGHT NOT TO PASS** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#521)

YEAS: Senators: BRAKEY, CUSHING, EDGECOMB,
HAMPER, MASON, MCCORMICK,
ROSEN, WILLETTE

NAYS: Senators: ALFOND, BAKER, BREEN, BURNS,
COLLINS, CYRWAY, DAVIS, DIAMOND,
DILL, GERZOFKY, GRATWICK,
HASKELL, HILL, JOHNSON, KATZ,
LANGLEY, LIBBY, MILLETT, MIRAMANT,
PATRICK, SAVIELLO, VALENTINO,
VOLK, WHITTEMORE, WOODSOME,
THE PRESIDENT - MICHAEL D.
THIBODEAU

8 Senators having voted in the affirmative and 26 Senators
having voted in the negative, the motion by Senator **BRAKEY** of
Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS**
Report **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report
ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-398) **READ** and **ADOPTED**.

Under suspension of the Rules, **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 Enable an Alternative Organizational Structure To Purchase Group Health Insurance for Its Employees
H.P. 1042 L.D. 1517
(C "A" H-549)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senator having voted in the negative, and 34 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 Regarding the Application Fees and Inspection Fees Associated with the Provision of Amusement Rides
S.P. 591 L.D. 1529
(C "A" S-382)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senator having voted in the negative, and 34 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.

Acts

An Act To Allow a Nonresident Landowner Who Owns 25 or More Acres of Land To Hunt on Residents-only Deer Hunting Day
H.P. 422 L.D. 609
(C "A" H-550)

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.

An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General
H.P. 435 L.D. 654
(C "A" H-548)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Promote Maine's Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investments in High-speed Internet

H.P. 560 L.D. 826
(H "B" H-542 to C "A" H-523)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Exempt MaineCare Appendix C Private Nonmedical Institutions from the Service Provider Tax

S.P. 592 L.D. 1530
(C "A" S-375)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Provide an Annual Cost-of-living Adjustment to Nursing Facilities To Further Implement the Recommendations of the Commission To Study Long-term Care Facilities

S.P. 595 L.D. 1533
(C "A" S-381)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Resolve

Resolve, Directing Certain State Agencies To Consider the Effects of Marine Debris

H.P. 294 L.D. 427
(C "A" H-531)

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

Ordered sent down forthwith.

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

SENATE PAPERS

Bill "An Act To Promote Recruitment and Retention of State Employees"

S.P. 680 L.D. 1663

Presented by Senator CUSHING of Penobscot. (GOVERNOR'S BILL)

Bill "An Act To Enable the State To Hire Qualified Applicants for Vital State Jobs"

S.P. 681 L.D. 1664

Presented by Senator WHITTEMORE of Somerset. (GOVERNOR'S BILL)

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

Ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Reform the Veteran Preference in State Hiring and Retention"

H.P. 1128 L.D. 1658

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

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. 1129

JOINT RESOLUTION TO RECOGNIZE THE MULTIFACETED AGRICULTURE OF MAINE

WHEREAS, recent statistics show that farming in Maine has grown, and Maine continues to lead the New England states with 8,174 farms; the value of Maine's crops and livestock grew 24% since the last census of agriculture; and

WHEREAS, Maine's agricultural enterprises provide more than \$764 million through the sale of farm products and contribute more than \$2 billion annually to the State's economy, and Maine agricultural products are increasingly available locally in farmers' markets, schools and institutions; and

WHEREAS, Maine farmers are the stewards of 1.45 million acres of land, a vital resource in maintaining Maine's rural economy; and

WHEREAS, Maine is first in the world in the production of wild blueberries and a world leader in the production of brown eggs, first in New England in the production of food, first in New England in the value of aquaculture sales, second in New England in milk and livestock production, third in the Nation in the production of maple syrup and eighth in the Nation in the production of fall potatoes and is the fastest-growing artisanal cheese-producing state in the Nation and is the only state involved in the commercial production of fiddleheads; and

WHEREAS, agriculture has always been a part of Maine's prosperity, maintaining much of Maine's scenic open space, providing recreational opportunities and contributing to the character of Maine's rural communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, pause in our deliberations to recognize Maine's agricultural community, which has contributed to the betterment of our State, to pledge our support and encouragement and to urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agriculture industry; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Conservation and Forestry, as a token of the esteem in which those in this vital field are held.

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

READ.

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

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would just like to talk to you briefly about agriculture in Maine. You have a nice Joint Resolution in front of you. I won't reiterate most of the points there. One thing I would point out is that we have now over 8,100 farms in the state of Maine and it's continually growing. Most of those are small farms, or many of those are certainly small farms. I think the thing that we need to realize, as a Body, is that Maine is positioning itself in agriculture to be really a player in New England, if not throughout the northeast. Within just a few hours' drive of Maine there are millions of people that could benefit from agriculture in Maine. We're moving along. We have lots of water. Many other states do not have water and have water problems. We are a diversified agriculture. We have been starting things such as sweet potatoes, okra, malting barley, and we are even growing hops here in the state of Maine. Please go downstairs and check out the agricultural display. Thank you, Mr. President.

ADOPTED, in concurrence.

Off Record Remarks

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 (3/9/16) matter:

HOUSE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Revise Oil Spill Reporting Standards"

H.P. 1017 L.D. 1494

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-543)** (2 members)

Tabled - March 9, 2016, by Senator **SAVIELLO** of Franklin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 8, 2016, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

On motion by Senator **SAVIELLO** of Franklin, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/15/16) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Recovery of Emergency Response Costs Related to an OUI Offense"

S.P. 335 L.D. 944

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-390)** (2 members)

Tabled - March 15, 2016, by Senator **ROSEN** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 15, 2016, Reports **READ**.)

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **GERZOFSKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm going to stay consistent with my committee vote on this and request a roll call vote on this so I can stay consistent with my committee vote and the same vote that we've had in committee many times in the past. After hearing this bill in the past and knowing the outcome that this bill's had in the past, for very good reasons. It's very hard for me to see why insurance companies don't pay these bills when towns, communities, send them a bill on this. That's what we've been told in committee year after year. I believe that to be accurate. It certainly is in my community. I would like to request a roll call vote, Mr. President, if I might.

Same Senator requested a Roll Call.

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

Senator **GRATWICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I wish to speak briefly on this as well. I think that the bill, as proposed, and the Ought to Pass is not appropriate in this situation. I would just say that this bill has a long background in the Legislature here. It initially came to the Insurance Committee this year and we felt it was not appropriate to be there because of the role that insurance would be required to play. It's inappropriate. It went to Criminal Justice and you've already heard some of that commentary. The major problem with this bill is it's a good idea in search of solution but the solution really doesn't work. What's happened is that, as it comes out of the Criminal Justice Committee, insurance has been taken out of it totally. What it means is that if someone is convicted of an OUI or drugs they will have to pay that money, \$1,000 or \$2,500, on their own, out of their own pocket. It's nothing to do with insurance any more. The difficulty with this, of course, is these people frequently have relatively little in the way of money to pay these fines. They already have to meet a whole slew of other penalties, fines, and so forth imposed by the judicial system, by the courts. This is an extra \$1,000. What it is going to do is jam up the courts. You cannot get extra blood from a turnip. I think in situations such as this they're going to end up going to jail. No licenses. Really it's a spiral downhill. It's not dealing with the initial problem of alcoholism or the drugs that these people have been abusing anyways. I think that this will not further the cause of bringing people to their senses in this instance. It will not really help the towns appreciably. It will simply cost a great deal more in legal and court costs. 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 this is a very simple bill. It's one about personal responsibility because when someone is drunk driving

and goes off the road and causes an accident or runs into somebody else, the seriousness that the rescue service has to be called to the scene, there is a cost. The question is: where is the cost going to lie? It's going to lie one of two places: it's either going to lie with the taxpayers of the jurisdiction that had nothing to do with causing the accident, taxpayers that are completely innocent of any wrongdoing in the situation, or the burden is going to fall on someone who has been convicted of operating under the influence. Where should the burden lie? Some people convicted of being under the influence are quite poor. Some people are wealthy. It's kind of an indiscriminate crime. This simply gives the court a tool so that the judge will be able to decide where that burden ought to lie. As a Senate that hopefully wants to encourage personal responsibility in our society wherever we can, it seems to me, at least, that this is one area we could certainly do so. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you very much, Mr. President. I just have, I guess, a simple question in my mind. I'm not posing it through the Chair. We talk about personal responsibility and we want to penalize people who are breaking the law. To me, this is the very first item on a very long slippery slope. What about the people that get into an accident when they are texting while driving? They are breaking the law. What about the people under the distracted driving law that are sleep deprived and they get in an accident? What about the people that are driving with a suspended license and get in an accident? What about the people driving with expired registrations? What about the people that are driving over the speed limit? Why wouldn't they all be included? If we're trying to make a bill for personal responsibility, to penalize people breaking the law, that have an accident, why wouldn't we include all of these? I think this is a very dangerous slippery slope we're going down and I will be opposing this bill.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen to Accept the Minority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#522)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, DIAMOND, DILL, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, VALENTINO, WILLETTE

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-390) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/9/16) matter:

An Act To Create and Sustain High-quality Maine Jobs
S.P. 578 L.D. 1480
(C "A" S-363)

Tabled - March 9, 2016, by Senator **MASON** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, February 25, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-363).**)

(In House, March 8, 2016, **PASSED TO BE ENACTED.**)

Senator **BRAKEY** of Androscoggin moved the Senate **SUSPEND THE RULES** for the purpose of **RECONSIDERING** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-363).**

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#523)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, ROSEN, SAVIELLO, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, DIAMOND, DILL, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, VALENTINO, VOLK

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **SUSPEND THE RULES** for the purpose of **RECONSIDERING** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-363) FAILED.**

PASSED TO BE ENACTED.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **BRAKEY** of Androscoggin, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today in opposition to the passage of L.D. 1480. This legislation proposes to create a \$50 million capital investment fund in order to make multi-million dollar loans to large businesses. As currently drafted, this bill would allow taxpayer money to be used to capitalize this fund and that should make us all uneasy. Make no mistake, we should do everything we can within the confines of the Constitution and the limited role of government to create a welcoming environment for any business that wants to set up shop in Maine, make large investments, and create jobs. If we want to incentivize these investments let's do so. Let's lower taxes. Let's cut red tape. Let's unleash the power of the free market. Let's allow businesses to keep more of their own money but let's not forcibly take money from the taxpayers of Maine and transfer it to them. Let's not have government pick winners and losers. Let's not resort to corporate welfare. Let's not make large loans with taxpayer money to private entities. This is neither a responsible use of taxpayer money nor a proper role of government.

As the Chief Executive is fond of saying, if it exists in the yellow pages why is the government doing it? There are private institutions that exist for the purpose of making loans. They are called banks. With any proposed loan, banks weigh the benefit of a potential return on investment against the risk of default. That risk is real risk. The banks and its depositors are on the hook if that loan defaults, so they have a strong incentive to take that risk seriously. If they find a loan too risky they don't make the loan. Unlike us in government, far removed from the consequences of

any poor decisions we make while spending other people's money, private loan makers have real skin in the game and suffer real consequences from bad debt. If a business cannot find a loan from a bank because the banks find the loan too risky that does not mean we should turn instead to the Maine taxpayers and put them on the hook instead. The Maine people have already lost too much money in taxpayer financed loans to private entities that went bankrupt. We should not be setting up the infrastructure to make more of these risky loans with taxpayer money.

Some had said that the Committee Amendment on the bill would prohibit the use of taxpayer money for this fund, but they are mistaken. Section 1, subsection 4, of this bill specifically states, "The fund is capitalized by sums that are appropriated or allocated by the Legislature or transferred to the fund from time-to-time by the State Controller. Interest earned from the investments of fund balances, State bond issues, State employee pension funds, institutional endowments, and other funds from any public or private source." That section of the bill is not touched at all by the Committee Amendment. Some have said that the intention is to only raise money from private sources for this fund and that there is no intent of using taxpayer money for this purpose. Well, if that is the intent why such strong opposition to permitting Floor Amendments to align the language of the bill with that stated intent? Some have said that even if we do authorize the appropriation of taxpayer money into this fund that it would be unlikely for future Legislatures to actually make that appropriation. Well, if that is the case than, again, why such insistence to block amendments and maintain its authorization?

We have all seen agendas of one form or another in the Legislature pushed inch by inch, year by year. This year we create a fund with no money appropriated but the authorization to put taxpayer money into that fund at a later date. What happens next year or the year after that? Speaking with several members of the Labor, Commerce, Research and Economic Development Committee, after reviewing the language of the bill in greater depth with them, they told me that they feel misled. They were promised that there was absolutely no intent or possibility to use taxpayer funds to finance this loan program. Yet when amendments are brought forward to make technical corrections to align the language of this bill with those promises those amendments have been stonewalled.

In brief, this legislation is deeply flawed. We could have amended and corrected it, but the call for amendments has been rejected, so it remains deeply flawed. As long as this legislation remains so deeply flawed it should be opposed. I'll be voting in the negative against Enactment and I invite my colleagues in this Chamber to join me. Thank you very much for the time, Mr. President.

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

Senator **GERZOFISKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, today we celebrate St. Patty's Day. There'll be no blarney spoken from this end, but there will be some straight talk today. It's going to be straight talk from a Senator that represents a district that in the last two weeks has been able to announce over 700 new jobs coming our way here in the state of Maine. Some of those people are going to have to come from towns north of mine and I hope they understand who's supporting job development in this state because they're the ones

that are going to benefit by these things. This bill came through the committee process. It was brought in through Legislative Council. This bill was brought into a committee of oversight that listened diligently to everything. They asked a lot of questions. They had three work sessions on this just to make sure there are no public funds in this bill. This bill is about business to business, let the businesses and institutions of this state start funding some of this job development. That's what they are asking for. I've talked to these businesses. I have had people up here in the halls this week to answer any questions that anybody might have. No questions were asked. We have a process. We get a unanimous committee report, after three workshops, and then it goes under the hammer both in this Body and the other twice. Mr. President, there is no public money on this, but I do not want to be responsible or have anything to do with tying the hands of future Legislatures and that's what this argument is about right now, trying to tie the hands of future Legislatures that can do what they please. I certainly won't be here. I don't know who else will be here. I know that future Legislatures are going to deal with these issues themselves and I'm not going to take part in anything that's going to tie their hands. When I look and see what a committee went through.

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

Senator **BRAKEY:** Thank you, Mr. President. Point of Order, Mr. President. Are we debating the enactment of the bill or are we debating amendments that have not been proposed?

THE PRESIDENT: The Chair would advise the Senate that we are debating Enactment. The Chair recognizes the Senator from Cumberland, Senator Gerzofsky.

Senator **GERZOFSKY:** Thank you, Mr. President. That's exactly what I'm talking about, the Enactment of a bill that has already been heard through a committee, that's been heard through here. I'm talking about the Enactment of a bill after it was erroneously described as something that's going to tie public funds to it. There are no public funds in this bill. This is not going to Appropriations because there are no, none, Mr. President. There are none. No public funds in this bill. It could be in a future Legislature added. Why would the State of Maine want to say we don't want to work with companies that want to come here and meet all the requirements? Mr. President, I hope people will follow my light on this. I hope we have a very strong vote on this because businesses are watching us. They know what we're talking about and they need certainty, if nothing else. Last week when we were in the Committee on Government Oversight and we listened to the Economic Development people they said that's the number one problem: having certainty. This bill will give us some certainty. Thank you very much, ladies and gentlemen of the Senate.

THE PRESIDENT: The pending question before the Senate is Enactment. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#524)

YEAS: Senators: ALFOND, BAKER, 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, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senator: BRAKEY

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, 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.

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, March 22, 2016, at 10:00 in the morning, in memory of and lasting tribute to Charles Cawley of Camden, Maine.