

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

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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
Monday
April 4, 2016

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

Prayer by Pastor Rick Mowery, Spurrs Corner Church in Otisfield.

PASTOR MOWERY: Mr. President, members of the Senate,
Senator Hamper, I want to thank you for this opportunity. I really
do count it as a privilege. I'm going to lead you in prayer this
morning.

First of all, Lord, I recognize You for who You are; the source
of true wisdom and strength and guidance. The source of all
good gifts, including our leaders and their abilities. I thank You,
Lord, for the freedoms that we have in our nation and in this state;
the freedom to pray as we are right now, to seek You in this way
as we begin this day of business. I thank You, Lord, for these
men and women, for their willingness to serve our state and their
constituents. Father, we're living in difficult, complicated,
dangerous days, days that require new wisdom and fresh insights
and divine direction day by day. Lord, I ask that they may have
wisdom that's needed for these days, wisdom, Lord, that You
describe as pure and peace loving, gentle, impartial, merciful,
divine wisdom. Lord, I pray that they will seek Your guidance,
that which is beyond their own wisdom and intellect, as they
deliberate and discuss and make decisions that will impact all of
our lives. Lord, I pray that they may know also Your blessing
upon their families and their success in their other aspects of their
personal lives. Father, this is not an easy responsibility but I pray
that today they may find fulfillment in their serving and enjoy a
sense of unity as they work together. Father, I ask You for these
things and I thank You for them in advance. In Christ's name,
Amen.

Pledge of Allegiance led by Senator Linda L. Baker of Sagadahoc
County.

Reading of the Journal of Friday, April 1, 2016.

Doctor of the day, Edward Pontius, M.D. of Portland.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Resolve, Establishing the Commission To Study the Economic,
Environmental and Energy Benefits of the Maine Biomass
Industry

H.P. 1158 L.D. 1693

Comes from the House, **REFERRED** to the Committee on
ENERGY, UTILITIES AND TECHNOLOGY and ordered printed.

On motion by Senator **WOODSOME** of York, **REFERRED** to the
Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and
ordered printed, in concurrence.

Joint Order

The following Joint Order:

H.P. 1156

ORDERED, the Senate concurring, that the Joint Standing
Committee on Health and Human Services may report out, to the
House, a bill to establish a moratorium on rate changes related to
Rule Chapter 101: MaineCare Benefits Manual, Sections 13, 17,
28 and 65.

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

READ.

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

Expression of Legislative Sentiment recognizing:

Laura Pineo, of Norridgewock, the School Nutrition Director at
School Administrative District 54, who was named the 2016
School Nutrition Director of the Year by the Maine School
Nutrition Association. We extend our congratulations and best
wishes to Ms. Pineo on her receiving this honor;

HLS 1182

Come from the House, **READ** and **PASSED**.

READ.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and
gentlemen of the Senate, I will not be long, but I could not allow
this terrific leader, Laura Pineo, to go through the Senate without
talking to her for a brief bit. Laura, from Norridgewock, is the
School Nutrition Director in SAD 54, which is Skowhegan. Laura
Pineo is an incredible leader in so many ways, not in just child
nutrition but in accessing food. About two years ago Laura went
to a conference and she learned about this pilot program called

Community Eligibility Provision which, if your district is eligible, will feed all kids for four years breakfast and lunch. She is providing in a very, very difficult school district with lots and lots of free and reduced students, she's ending the stigma. Every child that goes to Skowhegan, whether you're in elementary, you're in middle, or you're in high school, has access to food, nutritious food, every single day. Laura is a credible leader on this issue. She is teaching and helping other districts and other school nutrition directors to do the same thing around CEP and I thought it was just really important that you, my Senate colleagues, hear what a terrific job Laura Pineo is doing for SAD 54. Thank you, Mr. President.

PASSED, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 926

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

March 31, 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 Deborah P. Cashman, Esq. of West Bath, for appointment as a District Court Judge.

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

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

NAYS 0

ABSENT 0

Rep. Mitchell of Penobscot Nation was absent.

Thirteen members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Deborah P. Cashman, Esq. of West Bath, for appointment as a District Court Judge be confirmed.

Signed,

S/David C. Burns
Senate Chair

S/Barry J. Hobbins
House Chair

READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, once again it's my pleasure to be able to speak to you about some of our nominees that you have in front of you this morning, two of whom are with us today. As you've heard me say for the last two years, on behalf of the Judiciary Committee, how impressed we are with the nominations that have come forward from this Administration. All of these candidates have been exceptional, some really extraordinary, and I think my colleagues, Senator Volk and Senator Johnson, will agree with me when I say that today is no exception. In front of us today we have the nomination of Deborah Cashman of Bath. Deborah Cashman has been involved as a trial attorney for over 20 years. She worked in the District Attorney's Office in Androscoggin County from 1998 to 2010 and the District Attorney's Office in Sagadahoc and Lincoln Counties from 2010 and 2012 and then the Attorney General's Homicide Unit from 2012 until present time. During that time, depending on who you listen to, she prosecuted between 27 and 30 homicide cases, some of the most difficult cases that this state has to deal with. Pretty remarkable history for Attorney Cashman. She has a lot of experience that she brought to the committee; experience in guardian ad litem, which is a very important to our family courts. A lot of her prosecutorial experience is in sexual abuse and sexual exploitation and a lot of expertise in handling vulnerable witnesses, both children and adults. She had rave reviews from all those that came in to speak to our committee about her and her experience in front of the bar. Remarkable testimony from her supervisors, especially in the Attorney General's Office, talking about her supervisor, Lisa Marchese, or Attorney General Mills. She made a very incredible presentation to the committee and I think everybody in the committee was very, very impressed with her demeanor and her presentation, her experience and what she has to offer the state of Maine, should we clear this appointment as a District Court Judge. There was only one issue that drew a little bit of concern for me; Ms. Cashman has practiced in 13 of our 17 Superior Courts. The only ones that she missed was Belfast, Dover-Foxcroft, and Machias. I understand that's going to be rectified. With that, I have great pleasure, on behalf of the committee, to recommend this nomination to you.

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 (#581)

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

No Senator having voted in the affirmative and 34 Senators having voted in the negative, 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 **Deborah P. Cashman**, Esq. of West Bath for appointment as a District Court Judge was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Deborah P. Cashman, Esq. of West Bath. Will she please rise and accept the congratulations of the State Senate.

The Following Communication: S.C. 923

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

March 31, 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 Patrick C. Larson, Esq. of Bangor, for appointment as a District Court Judge.

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

YEAS	Senators	2	Burns of Washington, Johnson of Lincoln
	Representatives	10	Hobbins of Saco, Evangelos of Friendship, Ginzler of Bridgton, Guerin of Glenburn, Herrick of Paris, McCreight of Harpwell, Monaghan of Cape Elizabeth, Moonen of Portland, Sherman of Hodgdon, Warren of Hallowell
NAYS		0	
ABSENT		1	Sen. Volk of Cumberland

Rep. Mitchell of Penobscot Nation was absent.

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Patrick C. Larson, Esq. of Bangor, for appointment as a District Court Judge be confirmed.

Signed,

S/David C. Burns
Senate Chair

S/Barry J. Hobbins
House Chair

READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I hope you don't get tired of me today but we have in front of us another distinguished nominee for the District Court bench, Patrick Larson of Bangor. Very impressive candidate and once again the committee was very impressed with his credentials and his presentation. Pat Larson started practicing law in 1989 in Ellsworth and worked for the District Attorney's Office in Hancock County from 1997 until 2002, Penobscot County District Attorney's Office from 2002 until 2006, and the Attorney General's Office on the Drug Taskforce as a Drug Taskforce prosecutor from 2006 until present. Very distinguished career and one thing I noted in his presentation was a publication that he did, *The Admissibility of Expert Testimony in Child Sexual Abuse Accommodation Syndrome*. He's had experience in civil litigation, family law, child protective work, contract law, real estate, probate law, criminal law, and worked, again, for the Attorney General's Office. Again, we are so

pleased to be able to recommend to you this nominee and we thank you very much for your time.

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 (#582)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, EDGECOMB, GERZOSKY, 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

No Senator having voted in the affirmative and 34 Senators having voted in the negative, 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 **Patrick C. Larson**, Esq. of Bangor for appointment as a District Court Judge was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Patrick C. Larson, Esq. Would he please rise and accept the congratulations of the Senate.

The Following Communication: S.C. 924

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

March 30, 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 Harold L. Stewart II, Esq. of Presque Isle, for appointment as a Superior 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 Harold L. Stewart II, Esq. of Presque Isle, for appointment as a Superior 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 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 (#583)

YEAS: Senators: None

NAYS: Senators: ALFOND, BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, EDGECOMB, GERZOFKY, 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

Representatives 10 Hobbins of Saco, Evangelos of Friendship, Ginzler of Bridgton, Guerin of Glenburn, Herrick of Paris, McCreight of Harpswell, Monaghan of Cape Elizabeth, Moonen of Portland, Sherman of Hodgdon, Warren of Hallowell

NAYS 0

ABSENT: Senator: BREEN

ABSENT 0

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent, 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 **Harold L. Stewart II**, Esq. of Presque Isle for appointment as a Superior Court Justice was **CONFIRMED**.

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 E. Paul Eggert of Westbrook, for appointment as an Active Retired Judge of the District Court be confirmed.

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

Signed,

S/David C. Burns
Senate Chair

S/Barry J. Hobbins
House Chair

The Following Communication: S.C. 925

READ and ORDERED PLACED ON FILE.

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

March 30, 2016

The Honorable Michael D. Thibodeau
President of the Senate of Maine
127th Maine State Legislature
State House
Augusta, Maine 04333-0003

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.

Dear Mr. President:

ROLL CALL (#584)

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 E. Paul Eggert of Westbrook, for appointment as an Active Retired Judge of the District Court .

YEAS: Senators: None

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:

NAYS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, EDGECOMB, GERZOFKY, 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

YEAS Senators 3 Burns of Washington, Johnson of Lincoln, Volk of Cumberland

No Senator having voted in the affirmative and 34 Senators having voted in the negative, 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 E. Paul Eggert** of Westbrook for appointment as an Active Retired Judge of the District Court was **CONFIRMED**.

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

The Following Communication: S.C. 928

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

March 31, 2016

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

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1486 Resolve, To Reauthorize the Issuance of
 Certain Bonds for Land Conservation Projects
 (EMERGENCY)

This is notification of the Committee's action.

Sincerely,

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

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 929

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

March 31, 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 Education and Cultural Affairs has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1594 An Act To Direct the Commissioner of
 Education To Develop a Model Policy
 Regarding Substance Abuse Education in
 Maine Schools

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley S/Rep. Victoria P. Kornfield
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 930

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

March 30, 2016

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

Dear President Thibodeau and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1672 An Act To Improve Priority of Tax Liens and the
 Collection of Sales Taxes

This is notification of the Committee's action.

Sincerely,

S/Sen. Earle L. McCormick S/Rep. Adam A. Goode
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 932

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE**

April 1, 2016

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

Dear President Thibodeau:

This letter is to inform you that, pursuant to Title 3 MRSA § 154, I am withdrawing my nomination of Wesley Richardson of Warren for appointment as a member of the Maine Indian Tribal-State Commission.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 934

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE**

April 1, 2016

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

Dear President Thibodeau:

This letter is to inform you that, pursuant to Title 3 MRSA § 154, I am withdrawing my nomination of Emery Deabay of Bucksport for appointment as a member of the Workers' Compensation Board.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 933

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE**

April 1, 2016

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

Dear President Thibodeau:

This letter is to inform you that, pursuant to Title 3 MRSA § 154, I am withdrawing my nomination of Steven Webster of Westbrook for appointment as a member of the Unemployment Insurance Commission.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 505

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

April 1, 2016

The Honorable Heather J.R. Priest
Secretary of the Senate
127th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Criminal Justice and Public Safety on Bill "An Act To Strengthen the Laws on Operating a Motor Vehicle under the Influence of Intoxicants" (S.P. 661) (L.D. 1628)

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 931

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

April 1, 2016

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1467, "An Act Regarding Maine Spirits."

While I support the modernization of sales practices and data utilization as originally proposed, this bill was amended during the Committee process. As amended, the bill directs the Bureau of Alcoholic Beverages and Lottery Operations to provide upfront funding to businesses to mitigate their costs. I do not believe this is necessary.

The original bill was designed to increase business for our business partners, and the State has recently taken significant steps to improve the profitability for liquor resellers along with all agency liquor stores in Maine. We have seen powerful results. The State has invested significantly in our liquor business, and the retail community has reaped the financial benefits. At a time when the State seeks to further assist these businesses by adopting this bill, an additional request for funds from the State is a step too far.

For these reasons I return this bill unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act Regarding Maine Spirits (EMERGENCY)
S.P. 565 L.D. 1467

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#585)

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

NAYS: Senators: BURNS, DAVIS, MCCORMICK, WILLETTE

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, and 30 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

Senate at Ease.

Senate called to order by the President.

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

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Blayke Morin, of Rangeley, a senior at Rangeley Lakes Regional School, who scored her 1,000th career point in basketball on January 15, 2016. We extend our congratulations and best wishes to Blayke on this achievement;

SLS 916

The following members of the Rangeley Lakes Regional School Varsity Girls Basketball Team, who have won the 2016 Class D State Championship: Brooke Egan, Vanessa Bisson, Kylie Collins, Blayke Morin, Celia Philbrick, Amber Morrill, Natasha Haley, Mary-Page Swiney, Maddison Egan and Sydney Royce. We extend our congratulations to the members of the team on their achievement and offer them our best wishes;

SLS 1095

Sponsored by Senator SAVIELLO of Franklin.
Cosponsored by Representatives: HEAD of Bethel, SKOLFIELD of Weld.

READ.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, before I take a minute to recognize the team I'd like to recognize what every team needs, a leader; someone who's unselfish and works with the team to help it win. Blayne Morin was that player. She was the person that played a role as facilitator, passing to open teammates, rebounding, and just occasionally scoring. She went on to score, as I said, just occasionally; 34 points in the regional championship and was named the tournament MVP. In the championship game she set up her teammates with backdoor passes from the high post, scored 10 points, 20 rebounds, and 4 blocked shots, with a career of over 1,000 points. As I said, every team needs a leader and a player.

Now to the team. As I got ready for this this morning I pulled out the headlines of the various newspapers as they were working their way to the championship. Rangeley Grows A Winner. Rangeley Is Ready For The Next Step. Balance Lakers Roll On. Lakers Are Champs. Lakers Strike Gold. Their coach sums up this team, I think, very well in her quotes, "This is the most growth player-for-player I've ever coached down the line." "They are so coachable, they played and won as a team." In their championship game they looked within themselves to win Rangeley's fourth State Championship. They are a relatively young team, they only graduate two seniors, but they are made up of five freshmen and three eight graders, along with a couple of sophomores and juniors. When they won this game their heads did not swell. They didn't become someone else. They stayed true to themselves and to the program, leaving as a team, they will be done. As I said, they are a young team. They are now the Maine Class D Champions but to quote that famous individual, "They will be back." Thank you very much, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber the Rangeley Lake's Varsity Basketball Team, 2016 Class D State Champions. Would they please rise and accept the congratulations of the Senate.

Joint Resolutions

Joint Resolution in Memoriam:

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

Robert Charles Carter, of Marshfield, a veteran of the United States Army. Mr. Carter was born in Brunswick on April 4, 1943. He married Joan Dorr in Lubec on July 3, 1965. "Gunky" to his grandchildren, Mr. Carter was known to have a kind word and a smile for everyone. He served in the Army as a

medic/paratrooper and worked as a Maine Game Warden before retiring and serving for 15 years on the Board of Directors of Bar Harbor Banking and Trust Company. He and Mrs. Carter bought Helen's Restaurant on Main Street in Machias and moved the business to its present location, and they built and operated the Machias Motor Inn. Mr. Carter also opened a gun shop; he was considered an expert in identifying and valuing Winchesters, receiving inquiries from across the country. Mr. Carter will be long remembered and sadly missed by his friends and family;
SLS 1093

Sponsored by Senator BURNS of Washington.
Cosponsored by Representative: ALLEY of Beals.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I appreciate this opportunity to say a few words about my friend, Bob Carter. A true friend is irreplaceable. We all have many friends as we go through life. Imagine what it would be like without them. However, some friends we hold very dear and special. Bob Carter was one of those special friends to me. We began our friendship over 40 years ago when he, as a young Game Warden, and me, as a young State Trooper, were stationed in Washington County together. We soon found a lot in common. We both loved our work, our families, our wives, and our Lord. We worked together, hunted and fished together, double dated with our wives, Donna and Joan, attended church together, visited dying friends together, laughed, argued, and prayed together. Keeping good friendships can be a lot of fun, but it also takes a lot of patience and effort. Like good marriages, you have to work at it. Bob Carter had the personality that almost everyone liked, even those he summoned and arrested for fish and game violations seemed to like him. That was a trick that I never learned. Let me give you an example. A few years ago my wife and I had an opportunity to stay at the so-called Carriage House Motel at the Pittston Farm back in the North Maine woods during bird hunting season. The walls between the rooms were extremely thin. There were several hunters in the next room and they were talking about the old days. After their long day of hunting, they were a little bit loud and a little bit tipsy. One was talking about the time that Warden Carter had arrested him for some fish and game violations. The others were, of course, trying to match his story. The final analysis, after they were all said and done, they all agreed that Warden Carter was a fair and a great Game Warden. Can you imagine that?

In the early 1980's Bob and his wife, Joan, bought Helen's Restaurant, which you heard about, in Machias and eventually built the Machias Motor Inn and other businesses in the community. They were very good business people because they always treated their employees, their customers, and their community extremely well. Bob was also a dealer, collector, and authority on old Winchester rifles. He was known from Maine to Florida and parts beyond for his knowledge of old Winchesters and his advice was sought by dealers and collectors from all over the country. Bob and Joan's most important accomplishment was their two children, Robert Wade Carter and Kristyne Carter Currier, their daughter-in-law and their son-in-law, and their nine

grandchildren. Bob, first and foremost, was a family man. Bob's life contributed much to this state, his community, his family, and his church. Bob, like myself, had a personal relationship with his Lord and Savior Jesus Christ. His faith was manifested in every aspect of his life. One of the last things that Bob said to me in the days before his cancer took his life was, "Keep praying, Dave." Yes, I'll miss my friend, Bob, but I have great comfort that we'll join together again in heaven. Because of family circumstances this weekend, only one of the family members was able to come down and join us today, but his son-in-law, Jeff Currier, is here with us today. Mr. President, he is a regional district forest ranger. I would ask that when the Senate adjourns today it do so in memory of Bob Carter. I thank you very much, Mr. President and my colleagues.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber son-in-law, Jeff Currier, of Marion Township. He's the guest today of the Senator from Washington, Senator Burns. Would he please rise and accept the condolences of the State Senate.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Create the Task Force on Public-private Partnerships To Support Public Education (EMERGENCY)
H.P. 1143 L.D. 1675

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-628).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628).**

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

READ ONCE.

Committee Amendment "A" (H-628) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Payments to MaineCare Providers That Are Subject to Maine's Service Provider Tax"
H.P. 1115 L.D. 1638

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-623).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623).**

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

READ ONCE.

Committee Amendment "A" (H-623) **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 **JUDICIARY** on Bill "An Act To Ensure Children in the Care of Caretaker Relatives Can Access Fundamental Services"

H.P. 1043 L.D. 1518

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-627).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-627).**

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

READ ONCE.

Committee Amendment "A" (H-627) **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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans Regarding Enhancements to the Bureau of Maine Veterans' Services"

H.P. 1100 L.D. 1612

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-584).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-584) AS AMENDED BY HOUSE AMENDMENT "C" (H-626)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-584) **READ**.

House Amendment "C" (H-626) to Committee Amendment "A" (H-584) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-584) as Amended by House Amendment "C" (H-626) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-584) AS AMENDED BY HOUSE AMENDMENT "C" (H-626)** thereto, in concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Workplace Safety by Simplifying and Improving Employers' Substance Abuse Policy Requirements"
H.P. 937 L.D. 1384

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-624)**.

Signed:

Senator:
PATRICK of Oxford

Representatives:
HERBIG of Belfast
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-625)**.

Signed:

Senators:
VOLK of Cumberland
CUSHING of Penobscot

Representatives:
AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624)**.

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-625)** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-625)** Report, in **NON-CONCURRENCE**.

Senate

Ought to Pass As Amended

Senator BURNS for the Committee on **JUDICIARY** on Bill "An Act To Protect Victims of Human Trafficking"
S.P. 593 L.D. 1531

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-457)**.

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

READ ONCE.

Committee Amendment "A" (S-457) **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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin" (EMERGENCY)
S.P. 667 L.D. 1640

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

Signed:

Senators:
HAMPER of Oxford
KATZ of Kennebec
VALENTINO of York

Representatives:
NUTTING of Oakland
SIROCKI of Scarborough
TIMBERLAKE of Turner
WINSOR of Norway

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-456).**

Signed:

Representatives:

ROTUNDO of Lewiston
FREY of Bangor
GRANT of Gardiner
JORGENSEN of Portland
MARTIN of Eagle Lake
SANBORN of Gorham

Reports **READ.**

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create a Secure, Therapeutic Mental Health Unit"

S.P. 169 L.D. 440

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

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
GERRISH of Lebanon
LONG of Sherman
NADEAU of Winslow
THERIAULT of China
TIMMONS of Cumberland
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-458).**

Signed:

Senator:

GERZOFKY of Cumberland

Representatives:

DAVITT of Hampden
LAJOIE of Lewiston

Reports **READ.**

On motion by Senator **ROSEN** of Hancock, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

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 Resolve

Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Late-filed Major Substantive Rule of the Maine Health Data Organization

H.P. 1135 L.D. 1665
(C "A" H-618)

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 **FINALLY PASSED** 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 Revise the Laws Regarding Dental Practices

H.P. 1086 L.D. 1596
(C "A" H-621)

An Act To Increase the Number of Science, Technology, Engineering and Mathematics Professionals in the State

S.P. 676 L.D. 1655
(C "A" S-446)

PASSED TO BE ENACTED and, having been signed by the President, were presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Resolve

Resolve, Authorizing Certain Individuals To Bring Suit against the Department of Health and Human Services

H.P. 554 L.D. 805
(C "A" H-524)

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

RECALLED FROM GOVERNOR'S DESK

An Act To Increase Government Efficiency
S.P. 446 L.D. 1241
(C "A" S-276)

(In Senate, March 22, 2016, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 697), in concurrence.)

On motion by Senator **KATZ** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence

RECALLED FROM GOVERNOR'S DESK

An Act To Reduce Electric Rates for Maine Businesses
S.P. 519 L.D. 1398
(C "A" S-422)

(In Senate, March 29, 2016, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 700), in concurrence.)

On motion by Senator **WOODSOME** of York, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (3/31/16) matter:

NOMINATION - of Emery Deabay of Bucksport for reappointment to the Workers' Compensation Board

Tabled - March 31, 2016, by Senator **VOLK** of Cumberland

Pending - **CONSIDERATION**

(In Senate, March 31, 2016, Communication (S.C. 914) from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, **READ** and **ORDERED PLACED ON FILE**.)

On motion by Senator **MASON** of Androscoggin, Confirmation **INDEFINITELY POSTPONED**.

The Chair laid before the Senate the following Tabled and Later Assigned (4/1/16) matter:

SENATE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Facilitate Internal Hiring by Reforming the Use of Registers in the State Civil Service System"

S.P. 682 L.D. 1668

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-449)**

Tabled - April 1, 2016, by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 1, 2016, Report **READ**.)

Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-449) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Off Record Remarks

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

On motion by Senator **BURNS** of Washington, **ADJOURNED**
until Tuesday, April 5, 2016, at 10:00 in the morning, in memory
of and lasting tribute to Robert Charles Carter of Marshfield.