

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 7, 2016

beginning at Page 1

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Wednesday
January 4, 2017

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

Prayer by Pastor Ed Hatch, Palermo Christian Church.

PASTOR HATCH: I want to thank you for inviting me to come and to offer the prayer today. When I got the call one of the things that I felt pretty sure would happen is that we would have some snow or rain. Every year I've come we've had major snow issues and I am not superstitious and I don't have a gift of prophecy but I knew what happened last night would happen and so I'm here. As a Christian minister I believe that the earth is the Lord's and the fullness thereof, that everything that we have comes from God. I have no ownership of anything. I have been called to be a steward of all that God has given to me. I don't own my house, my land. I really own nothing, but God has entrusted me with those things. As I was thinking of that I was thinking as well the people of the State of Maine have entrusted you folks with resources that have come from them and are looking for you to be able to use those in a way that would be responsible. Perhaps one of the biggest words that's used when it comes to the legislative process is the word trust and it is my prayer that you would be trustworthy in doing what you should with the people's resources. Let's bow for prayer.

I thank You, God, for the men and women who gather here today to take on the business of the State of Maine. I'm thankful, Lord, that they represent us. We have entrusted them with the job and we pray that they would do their jobs well. Give them the grace to listen, the wisdom to think through the issues before them, and the courage to stand for what is right. Lord, for many of them this is not all that they do but there are other pressures in their lives, in their homes, relationships, businesses, and other areas. We pray, God, that You would help them with dealing some of the struggles that come from those things. Help them, Lord, to keep proper balance. We just pray, God, in a very special way that You bless them and help them in making good decisions. I ask this in Jesus' name. Amen.

Pledge of Allegiance led by Senator G. William Diamond of
Cumberland County.

Reading of the Journal of Wednesday, December 7, 2016.

Doctor of the day, Tania Rifai, M.D. of Augusta.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 3

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

December 14, 2016

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

Dear President Thibodeau:

This is to inform you that I am today nominating Joseph M. Jabar of Waterville for reappointment as an Associate Justice to the Maine Supreme Judicial Court.

Pursuant to Article V, Part First, §8, of the Maine Constitution, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 4

**STATE OF MAINE
128TH LEGISLATURE
OFFICE OF THE PRESIDENT**

December 23, 2016

The Honorable Heather J.R. Priest
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Priest:

Pursuant to my authority under Senate Rule 201.3, I have made the following appointments to various Joint Standing Committees.

Agriculture, Conservation and Forestry

Paul T. Davis, Sr. Chair (R-Piscataquis)
Thomas B. Saviello (R-Franklin)
James F. Dill (D-Penobscot)

Appropriations and Financial Affairs

James M. Hamper, Chair (R-Oxford)
Roger J. Katz (R-Kennebec)
Catherine Breen (D-Cumberland)

Criminal Justice and Public Safety

Kimberley C. Rosen, Chair (R-Hancock)
Scott W. Cyrway (R-Kennebec)
G. William Diamond (D-Cumberland)

Education and Cultural Affairs

Brian D. Langley, Chair (R-Hancock)
Joyce A. Maker (R-Washington)
Rebecca J. Millett (D-Cumberland)

Energy, Utilities and Technology

David Woodsome, Chair (R-York)
Andre E. Cushing III (R-Penobscot)
Mark N. Dion (D-Cumberland)

Environment and Natural Resources

Thomas B. Saviello, Chair (R-Franklin)
Amy F. Volk (R-Cumberland)
Geoffrey M. Gratwick (D-Penobscot)

Health and Human Services

Eric L. Brakey, Chair (R-Androscoggin)
Roger J. Katz (R-Kennebec)
Benjamin M. Chipman (D-Cumberland)

Inland Fisheries and Wildlife

Scott W. Cyrway, Chair (R-Kennebec)
David C. Woodsome (R-York)
Michael E. Carpenter (D-Aroostook)

Insurance and Financial Services

Rodney L. Whittemore, Chair (R-Somerset)
Dana L. Dow (R-Lincoln)
Brownie Carson (D-Cumberland)

Judiciary

Lisa Keim, Chair (R-Oxford)
Rodney L. Whittemore (R-Somerset)
Dawn Hill (D-York)

Labor, Commerce, Research and Economic Development

Amy F. Volk, Chair (R-Cumberland)
Brian D. Langley (R-Hancock)
Shenna L. Bellows (D-Kennebec)

Marine Resources

Joyce A. Maker, Chair (R-Washington)
Eric L. Brakey (R-Androscoggin)
Eloise A. Vitelli (D-Sagadahoc)

State and Local Government

Paul T. Davis, Sr. Chair (R-Piscataquis)
Lisa Keim (R-Oxford)
Susan A. Deschambault (D-York)

Taxation

Dana L. Dow, Chair (R-Lincoln)

Andre E. Cushing III, (R-Penobscot)
Justin M. Chenette (D-York)

Transportation

Ronald F. Collins, Chair (R-York)
Kimberley C. Rosen (R-Hancock)
David R. Miramant (D-Knox)

Veterans and Legal Affairs

Garrett P. Mason, Chair (R-Androscoggin)
Ronald F. Collins (R-York)
Michael E. Carpenter (D-Aroostook)

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 5

**STATE OF MAINE
128TH LEGISLATURE
OFFICE OF THE PRESIDENT**

December 23, 2016

The Honorable Heather J.R. Priest
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Priest:

Pursuant to my authority under Joint Rule 371, I have made the following appointments to the Government Oversight Committee:

Roger J. Katz, Chair (R-Kennebec)
Paul T. Davis, Sr. (R-Piscataquis)
Thomas B. Saviello (R-Franklin)
Nathan L. Libby (D-Androscoggin)
G. William Diamond (D-Cumberland)
Geoffrey M. Gratwick (D-Penobscot)

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 6

**STATE OF MAINE
128TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

December 16, 2016

Honorable Heather Priest
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0002

Dear Secretary Priest,

Pursuant to my authority under Title 38, Chapter 3, Subchapter 2-B, §568-B, 1, F, of the Maine Revised Statutes, I have appointed Peter Sarnacki of Castine to the *Clean-up and Response Fund Review Board*, effective immediately.

Please contact my office if you have any questions regarding this appointment.

Sincerely,

S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 7

**STATE OF MAINE
128TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

TO: The Honorable Heather J.R. Priest
Secretary of the Senate

FROM: S/Sara Gideon
Speaker of the House

DATE: December 23, 2016

RE: Committee Appointments
128th Legislature

Pursuant to my authority under House Rule 201.1(l)(a), I have made the following appointments to the various Joint Standing Committees:

Agriculture, Conservation and Forestry

Michelle Dunphy, Chair (D-Old Town)
Ralph Chapman (D-Brooksville)
Roland Danny Martin (D-Sinclair)
Margaret M. O'Neil (D-Saco)
Russell J. Black (R-Wilton)†
Carol A. McElwee (R-Caribou)
MaryAnne Kinney (R-Knox)
Norman E. Higgins (R-Dover-Foxcroft)
Thomas H. Skolfield (R-Weld)
Kent Ackley (C-Monmouth)

Appropriations and Financial Affairs

Drew Gattine, Chair (D-Westbrook)
John L. Martin (D-Eagle Lake)
Aaron M. Frey (D-Bangor)
Erik C. Jorgensen (D-Portland)
Brian L. Hubbell (D-Bar Harbor)
Denise A. Tepler (D-Topsham)
Tom J. Winsor (R-Norway)†
Heather W. Sirocki (R-Scarborough)
Jeffrey L. Timberlake (R-Turner)
H. Stedman Seavey (R-Kennebunkport)

Criminal Justice and Public Safety

Charlotte Warren, Chair (D-Hallowell)
Catherine M. Nadeau (D-Winslow)
Thomas R. W. Longstaff (D-Waterville)
Martin J. Grohman (D-Biddeford)
Lois Galgay Reckitt (D-South Portland)
Rachel Talbot Ross (D-Portland)
Karen A. Gerrish (R-Lebanon)†
Donald G. Marean (R-Hollis)
Patrick W. Corey (R-Windham)
Lloyd C. Herrick (R-Paris)

Education and Cultural Affairs

Victoria P. Kornfield, Chair (D-Bangor)
Matthea Elisabeth Larsen Daughtry (D-Brunswick)
Richard R. Farnsworth (D-Portland)
Teresa S. Pierce (D-Falmouth)
Roger Jason Fuller (D-Lewiston)
David Harold McCrea (D-Fort Fairfield)
Phyllis A. Ginzler (R-Bridgton)†
Beth Peloquin Turner (R-Burlington)
Heidi H. Sampson (R-Alfred)
Harold L. Stewart III (R-Presque Isle)

Energy, Utilities and Technology

Seth A. Berry, Chair (D-Bowdoinham)
Deane Rykerson (D-Kittery)
Jennifer L. DeChant (D-Bath)
Janice E. Cooper (D-Yarmouth)
Christina Riley (D-Jay)
Heather B. Sanborn (D-Portland)
Nathan J. Wadsworth (R-Hiram)†
Lance Evans Harvell (R-Farmington)
Beth A. O'Connor (R-Berwick)
Jeffery P. Hanley (R-Pittston)

Environment and Natural Resources

Ralph L. Tucker, Chair (D-Brunswick)
Robert S. Duchesne (D-Hudson)
John L. Martin (D-Eagle Lake)
Denise Patricia Harlow (D-Portland)
Jessica L. Fay (D-Raymond)
Stanley Paige Zeigler, Jr. (D-Montville)
Jonathan L. Kinney (R-Limington)†
Richard H. Campbell (R-Orrington)
Jeffrey K. Pierce (R-Dresden)
Scott Walter Strom (R-Pittsfield)

Health and Human Services

Patricia Hymanson, Chair (D-York)
 Anne C. Perry (D-Calais)
 Scott M. Hamann (D-South Portland)
 Colleen M. Madigan (D-Waterville)
 Dale J. Denno (D-Cumberland)
 Jennifer Ellen Parker (D-South Berwick)
 Deborah J. Sanderson (R-Chelsea)†
 Richard S. Malaby (R-Hancock)
 Frances M. Head (R-Bethel)
 Paul B. Chace (R-Durham)

Inland Fisheries and Wildlife

Robert S. Duchesne, Chair (D-Hudson)
 Robert W. Alley, Sr. (D-Beals)
 Denise Patricia Harlow (D-Portland)
 Catherine M. Nadeau (D-Winslow)
 Paul A. Stearns (R-Guilford)†
 Stephen J. Wood (R-Greene)
 Roger E. Reed (R-Carmel)
 Peter A. Lyford (R-Eddington)
 Timothy S. Theriault (R-China)
 Gina M. Mason (R-Lisbon)

Insurance and Financial Services

Mark W. Lawrence, Chair (D-South Berwick)
 Heidi E. Brooks (D-Lewiston)
 Gina M. Melaragno (D-Auburn)
 Benjamin T. Collings (D-Portland)
 Heather B. Sanborn (D-Portland)
 Raymond A. Wallace (R-Dexter)†
 John Joseph Picchiotti (R-Fairfield)
 Robert A. Foley (R-Wells)
 Dwayne W. Prescott (R-Waterboro)
 Garrel Robert Craig (R-Brewer)

Judiciary

Matthew W. Moonen, Chair (D-Portland)
 Joyce McCreight (D-Harpswell)
 Christopher W. Babbidge (D-Kennebunk)
 Donna Bailey (D-Saco)
 Barbara A. Cardone (D-Bangor)
 Lois Galgay Reckitt (D-South Portland)
 Stacey K. Guerin (R-Glenburn)†
 Roger L. Sherman (R-Hodgdon)
 Richard T. Bradstreet (R-Vassalboro)
 Chris A. Johansen (R-Monticello)

Labor, Commerce, Research and Economic Development

Ryan M. Fecteau, Chair (D-Biddeford)
 Anne-Marie Mastraccio (D-Sanford)
 Dillon F. Bates (D-Westbrook)
 James R. Handy (D-Lewiston)
 Donna R. Doore (D-Augusta)
 Michael A. Sylvester (D-Portland)
 Susan M. W. Austin (R-Gray)†
 Lawrence E. Lockman (R-Amherst)
 Joel R. Stetkis (R-Canaan)
 Karen R. Vachon (R-Scarborough)

Marine Resources

Walter A. Kumiega III, Chair (D-Deer Isle)

Michael G. Devin (D-Newcastle)
 Robert W. Alley, Sr. (D-Beals)
 Lydia C. Blume (D-York)
 Stephanie Hawke (R-Boothbay Harbor)†
 Kevin J. Battle (R-South Portland)
 William R. Tuell (R-East Machias)
 David G. Haggan (R-Hampden)
 Abden S. Simmons (R-Waldoboro)
 Paula G. Sutton (R-Warren)

State and Local Government

Roland Danny Martin, Chair (D-Sinclair)
 Mark E. Bryant (D-Windham)
 Pinny Beebe-Center (D-Rockland)
 George W. Hogan (D-Old Orchard Beach)
 John E. Madigan, Jr. (D-Rumford)
 John Alden Spear (D-South Thomaston)
 Richard A. Pickett (R-Dixfield)†
 Matthew A. Harrington (R-Sanford)
 Lester S. Ordway (R-Standish)
 Chad Wayne Grignon (R-Athens)

Taxation

Ryan Tipping, Chair (D-Orono)
 Stephen S. Stanley (D-Medway)
 Janice E. Cooper (D-Yarmouth)
 Gay M. Grant (D-Gardiner)
 Joyce McCreight (D-Harpswell)
 Maureen Fitzgerald Terry (D-Gorham)
 Gary L. Hilliard (R-Belgrade)†
 Bruce A. Bickford (R-Auburn)
 Matthew G. Pouliot (R-Augusta)
 Karleton S. Ward (R-Dedham)

Transportation

Andrew J. McLean, Chair (D-Gorham)
 Walter A. Kumiega III (D-Deer Isle)
 Gay M. Grant (D-Gardiner)
 John C. Schneck (D-Bangor)
 Betty A. Austin (D-Skowhegan)
 Bettyann W. Sheats (D-Auburn)
 Wayne R. Parry (R-Arundel)†
 Richard M. Cebra (R-Naples)
 James S. Gillway (R-Searsport)
 Michael D. Perkins (R-Oakland)

Veterans and Legal Affairs

Louis J. Luchini, Chair (D-Ellsworth)
 Thomas R. W. Longstaff (D-Waterville)
 John C. Schneck (D-Bangor)
 Kimberly J. Monaghan (D-Cape Elizabeth)
 Craig V. Hickman (D-Winthrop)
 Bradlee Thomas Farrin (R-Norridgewock)†
 Kathleen R. J. Dillingham (R-Oxford)
 Sheldon Mark Hanington (R-Lincoln)
 Dustin Michael White (R-Washburn)
 Owen D. Casás (I-Rockport)

†Ranking Republican Member

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 8

**STATE OF MAINE
128TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

December 23, 2016

The Honorable Heather J.R. Priest
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Priest:

Pursuant to my authority under Joint Rule 354, I have appointed the following members to the Joint Select Committee on Joint Rules:

Jared F. Golden, Chair (D-Lewiston)
John L. Martin (D-Eagle Lake)
Seth A. Berry (D-Bowdoinham)
Roger L. Sherman (R-Hodgdon)†
Donald G. Marean (R-Hollis)
†Ranking Republican Member

Sincerely,

S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 9

**STATE OF MAINE
128TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

December 23, 2016

The Honorable Heather J.R. Priest
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Priest:

Pursuant to my authority under Joint Rule 371, I have appointed the following members to the Government Oversight Committee:

Anne-Marie Mastraccio, Chair (D-Sanford)
Jennifer L. DeChant (D-Bath)
Deane Rykerson (D-Kittery)
Jeffrey K. Pierce (R-Dresden)†
Matthew A. Harrington (R-Sanford)

Paula G. Sutton (R-Warren)
†Ranking Republican Member

Sincerely,

S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 12

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

December 7, 2016

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

Dear President Thibodeau:

I are pleased to inform the Senate that the House is duly organized by the election of Honorable Sara Gideon of Freeport as Speaker of the House; Honorable Robert B. Hunt as Clerk of the House and Honorable Jennifer E. McGowan as Assistant Clerk of the House of the 128th Legislature and ready to transact such business as might come before it.

Sincerely,

S/Robert B. Hunt
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 10

**CHILD WELFARE OMBUDSMAN
P.O. BOX 2057
HOPE, MAINE 04847**

December 28, 2016

The Honorable Michael D. Thibodeau
President of the Maine Senate
Maine State House Station
3 State House Station
Augusta. ME 04333

Dear Senator Thibodeau,

I am pleased to present the fourteenth annual report of the Maine Child Welfare Ombudsman. Our office reports to the Governor, the Department, and the Legislature each year pursuant to 22 M.R.S.A. §4087-A. This report reflects the Fiscal Year from October 1, 2015 through September 30, 2016. I respectfully request that you distribute this report to the members of the Maine Senate.

The Child Welfare Services Ombudsman provides information to callers about Child Welfare Services and referrals to other resources and sources of information. For approximately one fifth of callers, the Ombudsman will open a case for review. The Ombudsman is pleased to report that the Office of Child and Family Services and the Ombudsman continue to have an excellent working relationship as we strive for the common goal of keeping Maine's most vulnerable children safe and helping reunite families involved with Child Welfare.

Please let me know if you have any questions about the report or our program and I would be happy to meet and discuss those or any other issues with you.

Respectfully submitted,

S/Christine Alberi
Ombudsman

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

The Following Communication: S.C. 11

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE**

December 30, 2016

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

Dear President Thibodeau,

Pursuant to 5 MRSA §12009, I am submitting to you the report of Board and Commission appointments or reappointments for calendar year 2017. Additionally, I am providing a report that lists appointments or reappointments that have not been made from previous years through December 31, 2016, and where vacancies actually exist on a board or commission that need a new appointment. If you need a breakdown by your appointments only, we can provide this for you as well.

If you have any question concerning these reports or need additional information, please contact me or Cathy Beaudoin in the Bureau of Corporations, Elections and Commissions at 624-7748.

Sincerely,

S/Matthew Dunlap
Secretary of State

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

ORDERS

Joint Order

Wayne Tuell, of East Machias, who is retiring after working for 27 years at the University of Maine at Machias. Mr. Tuell worked nights and weekends during much of that time, serving as custodian and snow plow operator, as well as operating a custom sawmill business in his spare time. We congratulate Mr. Tuell on his retirement and send him our best wishes;

SLS 4

Sponsored by Senator MAKER of Washington.
Cosponsored by Representative: TUELL of East Machias.

READ.

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

Senator **MAKER:** Thank you, Mr. President. Ladies and gentlemen of the House. I know I did it. The Senate, I'm sorry. I'm here today to stand to represent Mr. Tuell of East Machias and the reason why I wanted to speak about this gentleman, he's a very kind gentleman that did a lot of work with our students at our colleges. If you've ever attended college or if you ever worked at a college, which I did for 36 years, some of our staff, custodians, secretaries, go unknown. They don't get recognized and I think it's so important for us, and I always felt that you always have to remember those people. Mr. Tuell did a lot of work with talking with students, giving them advice. Sometimes those people are available when the faculty and the administration is not. So I think it's very important that we take a moment and thank people like this and that's why I did it. I even hear, rumor has it, that he even dealt with Ken Fredette, so it's been that long. So take time and think about these people and let's not always just recognize the top of our list, but recognize people like Mr. Tuell, who is a very kind man and would do anything for anybody. At the same time he worked he had a sawmill and he is the father of Representative Will Tuell. I meet with him on the airline, picking up Will, every week and so he always gives me pieces of advice for the week and he's just a wonderful man and I just want to say, thank him, thank him for his service and I hope that we all recognize these people in the future. Thank you.

PASSED.

Sent down for concurrence.

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Thursday, January 5, 2017 at 10:00 in the morning.