

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 11, 2017

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

Prayer by Reverend Mark Wilson, First Congregational Church,
UCC, of Waterville.

REVEREND WILSON: Good morning everybody. This is a
poem titled *The Work of Christmas*. It's by Howard Thurman,
who is an African-American theologian and civil rights leader and
someone who was a mentor to the Reverend Martin Luther King,
Jr.

When the song of the angels is stilled,
When the star in the sky is gone,
When the kinds and Princes are home,
When the shepherds are back with their flocks,
The work of Christmas begins.
To find the lost,
To heal the broken,
To feed the hungry,
To release the prisoners,
To rebuild the nations,
To bring peace among the people,
To make music in the heart.

Amen. Thank you.

Pledge of Allegiance led by Senator Rebecca J. Millett of
Cumberland County.

Reading of the Journal of Tuesday, January 10, 2017.

Doctor of the day, Frederick C. Goggans, M.D. of Camden.

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. 27

Ordered, the House concurring, that when the Senate and House
adjourn, they do so until Tuesday, January 17, 2017 at 10:00 in
the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Eliminate Retirement Benefits and Paid Health
Insurance for Legislators Elected after 2017"
H.P. 18 L.D. 17

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
suggested and ordered printed.

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

On motion by Senator **HAMPER** of Oxford, **REFERRED** to the
Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Fund
Equipment for Career and Technical Education Centers"
H.P. 33 L.D. 47

Comes from the House, **REFERRED** to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered
printed.

On motion by Senator **HAMPER** of Oxford, **REFERRED** to the
Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
and ordered printed, in concurrence.

Bill "An Act To Make Exposing a Law Enforcement Officer to a
Disorienting Substance a Crime"
H.P. 19 L.D. 18

Comes from the House, **REFERRED** to the Committee on
CRIMINAL JUSTICE AND PUBLIC SAFETY and ordered
printed.

On motion by Senator **ROSEN** of Hancock, **REFERRED** to the
Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and
ordered printed, in concurrence.

Bill "An Act To Provide for Fairness in the Transfer of Students"
(EMERGENCY)

H.P. 34 L.D. 48

Bill "An Act To Improve Science and Engineering Education for
Maine's Students"

H.P. 35 L.D. 49

Bill "An Act To Amend the Laws Governing Teacher Certification"

H.P. 36 L.D. 50

Bill "An Act Regarding the Withdrawal of a Single Municipality
from a Regional School Unit"

H.P. 37 L.D. 51

Come from the House, **REFERRED** to the Committee on
EDUCATION AND CULTURAL AFFAIRS and ordered printed.

On motion by Senator **LANGLEY** of Hancock, **REFERRED** to the
Committee on **EDUCATION AND CULTURAL AFFAIRS** and
ordered printed, in concurrence.

Bill "An Act To Assist Residents of Nursing Homes To Return to
Their Communities"

H.P. 20 L.D. 19

Bill "An Act To Reimburse Nursing Homes for the Loss of
Coinsurance and Deductibles for Skilled Nursing Beds under
Rules Adopted by the Department of Health and Human
Services"

H.P. 21 L.D. 20

Come from the House, **REFERRED** to the Committee on
HEALTH AND HUMAN SERVICES and ordered printed.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the
Committee on **HEALTH AND HUMAN SERVICES** and
ordered printed, in concurrence.

Bill "An Act To Exempt Certain Veterans from Hunter Safety
Courses"

H.P. 38 L.D. 52

Comes from the House, **REFERRED** to the Committee on
INLAND FISHERIES AND WILDLIFE and ordered printed.

On motion by Senator **CYRWAY** of Kennebec, **REFERRED** to the
Committee on **INLAND FISHERIES AND WILDLIFE** and ordered
printed, in concurrence.

Bill "An Act To Amend the Law Regarding the Execution of
Temporary Powers of Attorney"

H.P. 22 L.D. 21

Comes from the House, **REFERRED** to the Committee on
JUDICIARY and ordered printed.

On motion by Senator **KEIM** of Oxford, **REFERRED** to the
Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act To Repeal the Requirement That Municipalities
License Roller-skating Rinks"

H.P. 23 L.D. 22

Comes from the House, **REFERRED** to the Committee on
**LABOR, COMMERCE, RESEARCH AND ECONOMIC
DEVELOPMENT** and ordered printed.

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

Bill "An Act To Provide for Legislative Review of Federally
Mandated Major Substantive Rules under the Maine
Administrative Procedure Act"

H.P. 24 L.D. 23

Bill "An Act To Change the Name of Township 17, Range 4,
WELS, in the Unorganized Territory to Sinclair"

H.P. 25 L.D. 24

Bill "An Act To Remove the Legislative Council from the Capitol
Area Development Approval Process"

H.P. 26 L.D. 25

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

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

Bill "An Act To Lower the Maine Motor Vehicle Excise Tax"

H.P. 27 L.D. 26

Bill "An Act To Exempt Sales to Parent-Teacher Organizations
from the Sales Tax"

H.P. 28 L.D. 27

Come from the House, **REFERRED** to the Committee on
TAXATION and ordered printed.

On motion by Senator **DOW** of Lincoln, **REFERRED** to the
Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act To Allow Alternate Flashing Headlights on a School
Bus"

H.P. 29 L.D. 28

Bill "An Act To Reduce Penalties for Violations of the Motor Vehicle Inspection Laws"

H.P. 30 L.D. 29

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **COLLINS** of York, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Bill "An Act Regarding Dancing on the Premises of Certain Liquor Licensees"

H.P. 31 L.D. 30

Comes from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District

H.P. 32 L.D. 31

Comes from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending **REFERENCE**.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Payment Per Signature for Citizen Petition Drives

H.P. 39 L.D. 53

Comes from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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.

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

SENATE PAPERS

Bill "An Act Regarding Changing the Designation of a Parent on the Birth Certificate of an Adult"

S.P. 32 L.D. 83

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative HYMANSON of York and Senators: JACKSON of Aroostook, LIBBY of Androscoggin, Representatives: PARRY of Arundel, SPEAR of South Thomaston.

Bill "An Act To Require Screening for Cytomegalovirus in Newborn Infants"

S.P. 36 L.D. 87

Presented by Senator BREEN of Cumberland.
Cosponsored by Representative DENNO of Cumberland and Senators: GRATWICK of Penobscot, MILLETT of Cumberland, Representatives: COOPER of Yarmouth, LONGSTAFF of Waterville, MADIGAN of Waterville.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Increase the Penalty for Multiple Violations of Protection from Abuse Orders"

S.P. 29 L.D. 80

Presented by Senator CYRWAY of Kennebec.
Cosponsored by Representative LUCHINI of Ellsworth and Senator: MAKER of Washington, Representatives: FOLEY of Wells, GUERIN of Glenburn, HANINGTON of Lincoln, KINNEY of Limington, KUMIEGA of Deer Isle, NADEAU of Winslow, STROM of Pittsfield.

Bill "An Act Regarding the Payment of Back Child Support"

S.P. 30 L.D. 81

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative ORDWAY of Standish and Senator: CHENETTE of York, Representative: KINNEY of Limington.

On motion by Senator **KEIM** of Oxford, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Clarify the Contracts Used for Automobile Sales"
S.P. 33 L.D. 84

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative MASTRACCIO of Sanford and
Senators: CYRWAY of Kennebec, LIBBY of Androscoggin,
Representatives: PARRY of Arundel, SPEAR of South
Thomaston.

Bill "An Act To Protect Worker Wages and Benefits"
S.P. 35 L.D. 86

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative KUMIEGA of Deer Isle and
Senators: BELLOWS of Kennebec, JACKSON of Aroostook,
WOODSOME of York, Representatives: KORNFIELD of Bangor,
MASTRACCIO of Sanford, SPEAR of South Thomaston.

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

Sent down for concurrence.

Bill "An Act To Provide a Sales Tax Exemption for Career and
Technical Student Organizations"
S.P. 28 L.D. 79

Presented by Senator LANGLEY of Hancock.
Cosponsored by Representative POULIOT of Augusta and
Senators: COLLINS of York, DAVIS of Piscataquis, DOW of
Lincoln, WHITTEMORE of Somerset.

Bill "An Act To Exempt Permanently Disabled Veterans from
Payment of Property Tax"
S.P. 31 L.D. 82

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative COREY of Windham and
Senators: CARPENTER of Aroostook, MILLETT of Cumberland,
Representatives: BRYANT of Windham, FAY of Raymond,
HARRINGTON of Sanford, MAREAN of Hollis, ORDWAY of
Standish.

On motion by Senator **DOW** of Lincoln, **REFERRED** to the
Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Establish a Public Service Berthing Vessel License
for the Sale of Liquor"

S.P. 34 L.D. 85

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative KUMIEGA of Deer Isle and
Senators: BELLOWS of Kennebec, JACKSON of Aroostook,
Representatives: AUSTIN of Gray, HAWKE of Boothbay Harbor,
KORNFIELD of Bangor, PIERCE of Dresden.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to
the Committee on **VETERANS AND LEGAL AFFAIRS** and
ordered printed.

Sent down for concurrence.

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

The Senate was called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Compensation to a Corrections Officer
Injured by a Patient or Prisoner"

H.P. 41 L.D. 54

Comes from the House, **REFERRED** to the Committee on
CRIMINAL JUSTICE AND PUBLIC SAFETY and ordered
printed.

On motion by Senator **ROSEN** of Hancock, **REFERRED** to the
Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and
ordered printed, in concurrence.

Bill "An Act To Provide Funding for the Restoration of China Lake"

H.P. 42 L.D. 55

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

On motion by Senator **WOODSOME** of York, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Bill "An Act To Limit Radio Frequency Interference from Certain Grow Light Ballasts"

H.P. 45 L.D. 58

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.

Bill "An Act To Include 50 Milliliter and Smaller Liquor Bottles in the Laws Governing Returnable Containers"

H.P. 43 L.D. 56

Bill "An Act To Phase Out the Use of Single-use Plastic Shopping Bags"

H.P. 44 L.D. 57

Come from the House, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

On motion by Senator **SAVIELLO** of Franklin, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Provide Funding for a Therapeutic Adult Day Service Center"

H.P. 46 L.D. 59

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **BRAKEY** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act To Allow Senior Hunters To Shoot Antlerless Deer"

H.P. 47 L.D. 60

Bill "An Act To Allow Bird Hunting on Sundays by Licensed Hunters Using a Shotgun"

H.P. 48 L.D. 61

Bill "An Act To Remove the Prohibition on Baiting Deer"

H.P. 49 L.D. 62

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **CYRWAY** of Kennebec, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act To Ensure Complete Investigations by Guardians Ad Litem"

H.P. 50 L.D. 63

Bill "An Act To Require Mediation within 90 Days of a Homeowner's Receipt of a Foreclosure Notice"

H.P. 51 L.D. 64

Come from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **KEIM** of Oxford, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment"

H.P. 52 L.D. 65

Bill "An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions"

H.P. 53 L.D. 66

Bill "An Act To Improve Insurance Coverage for First Responders Answering a Call to Duty"

H.P. 54 L.D. 67

Come from the House, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

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

Bill "An Act To Implement an Owner-Operator Requirement in the Scallop and Sea Urchin Fisheries"

H.P. 55 L.D. 68

Come from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

On motion by Senator **MAKER** of Washington, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Increase the Salary of the Governor"
H.P. 56 L.D. 69

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

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

Bill "An Act To Allow Municipal Governing Boards of 3 Members To Perform Official Duties via Technology"
H.P. 57 L.D. 70

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY**.

On motion by Senator **DAVIS** of Piscataquis, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Resolve, Directing the Secretary of State To Request That the United States Secretary of Transportation Place Maine in the Atlantic Standard Time Zone

H.P. 58 L.D. 71

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

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

Bill "An Act To Clarify the Tax Laws for Title to Real Estate by Releasing Inheritance Tax Liens"

H.P. 59 L.D. 72

Bill "An Act To Increase the Homestead Property Tax Exemption for Certain Persons Who Are at Least 75 Years of Age"

H.P. 60 L.D. 73

Bill "An Act To Realign the State-Municipal Revenue Sharing Distribution"

H.P. 61 L.D. 74

Bill "An Act To Provide a Sales Tax Exemption for Materials and Equipment That Enable Older Persons and Persons with Disabilities To Remain in Their Homes"

H.P. 62 L.D. 75

Bill "An Act To Exempt Diapering Products from the Sales Tax"
H.P. 63 L.D. 76

Bill "An Act To Exempt from Maine Income Tax Income Earned by Members of the Armed Services While on Active Duty"
H.P. 64 L.D. 77

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **DOW** of Lincoln, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act To Permit Unenrolled Voters To Cast Ballots in Primary Elections"

H.P. 65 L.D. 78

Bill "An Act To Delay the Implementation of Certain Portions of the Marijuana Legalization Act" (EMERGENCY)
H.P. 66 L.D. 88

Come from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

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

Off Record Remarks

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

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, January 17, 2017 at 10:00 in the morning.