

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
Tuesday
January 17, 2017

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

Prayer by Pastor Tom Dubois, Western Mountains Baptist Church
in New Portland.

PASTOR DUBOIS: Thank you, Mr. President. Let us pray. God
in heaven, as this group comes together in this Chamber to do
the work entrusted to them by the people of the State of Maine, I
pray Your presence here. I pray that Your wisdom would be
bestowed on each heart and mind. I pray that You would grant
each one here Your perseverance in the midst of trials, in the
midst of hard things. I pray that You would fill each one here with
Your compassion, Your grace, Your mercy, so that each would
treat one another with kindness and gentleness and respect, no
matter their party, no matter their positions. The talents and the
skills represented here this morning are wide and varied, but I
pray that the common goal for everyone here is that Mainers
would be well served by each one. May that be each person's
desire, to work selflessly for the benefit of their fellow men and
women in this great state. May this Body, at Your leading, display
a high standard of character as they conduct their business.
Lord, may each one here be a good listener to their constituents
and to each other and may each Senator here demonstrate the
selflessness that was demonstrated best by Jesus Christ, Your
son, giving fully and freely of himself, not for his own gain but for
the benefit of all mankind. It is in his name that I pray. Amen.

Pledge of Allegiance led by Senator David R. Miramant of Knox
County.

Reading of the Journal of Wednesday, January 11, 2017.

Doctor of the day, Barbara Moss, D.O. of Manchester.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 34

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

January 10, 2017

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 Judge Beth
Dobson of Falmouth for reappointment as a District Court Judge.

Pursuant to Title 4 MRSA §157, 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. 35

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

January 10, 2017

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 Judge Daniel F.
Driscoll of Biddeford for reappointment as a District Court Judge.

Pursuant to Title 4 MRSA §157, 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. 36

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

January 10, 2017

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 Michael A. Duddy, Esq. of Cape Elizabeth for appointment as a District Court Judge.

Pursuant to Title 4 MRSA §157, this appointment 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. 37

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

January 12, 2017

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

Dear Secretary Priest:

Pursuant to my authority under House Rule 201.1 (l) (a), I have rescinded the appointment of Representative Walter Kumiega of Deer Isle from the Joint Standing Committee on Transportation and I have appointed Representative Mark Bryant of Windham to the Joint Standing Committee on Transportation, effective immediately.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 38

**STATE OF MAINE
WORKERS' COMPENSATION BOARD
OFFICE OF EXECUTIVE DIRECTOR/CHAIR
27 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0027**

January 11, 2017

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

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

RE: Annual Report of the Workers' Compensation Board
Pursuant to 5 M.R.S.A. §12023(2)

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., §12023, please consider this the transmittal letter for the required report from the Workers' Compensation Board due by February 1, 2017.

Please contact me if you have any questions or need additional information.

Very truly yours,

S/Paul H. Sighinolfi, Esq.
Executive Director/Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

Senate at Ease.

The Senate was called to order by the President.

SENATE PAPERS

Bill "An Act To Prohibit Foraging on Private Land without Permission"

S.P. 47 L.D. 128

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senator: DAVIS of Piscataquis, Representative: HARLOW of Portland.

On motion by Senator **DAVIS** of Piscataquis, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin" (EMERGENCY)

S.P. 37 L.D. 89

Presented by Senator **ROSEN** of Hancock.
Cosponsored by Representative **SHEATS** of Auburn and Senators: **BRAKEY** of Androscoggin, **COLLINS** of York, **WHITTEMORE** of Somerset, Representatives: **CEBRA** of Naples, **DILLINGHAM** of Oxford, **FARRIN** of Norridgewock, **LYFORD** of Eddington, **PIERCE** of Dresden.

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

Sent down for concurrence.

Bill "An Act To Require a Person Who Provides Illegal Drugs To Give Medical Aid to Another Person in Medical Distress Due to That Illegal Drug Transaction"

S.P. 40 L.D. 92

Presented by Senator **CYRWAY** of Kennebec.
Cosponsored by Representative **ALLEY** of Beals and Senators: **CHENETTE** of York, **DAVIS** of Piscataquis, **DESCHAMBAULT** of York, **DOW** of Lincoln, **KEIM** of Oxford, **MAKER** of Washington, President **THIBODEAU** of Waldo, Representative: **HANINGTON** of Lincoln.

Bill "An Act To Provide a Source of Funding for Drug Abuse Resistance Education"

S.P. 42 L.D. 94

Presented by Senator **CYRWAY** of Kennebec.
Cosponsored by Representative **NADEAU** of Winslow and Senators: **CHENETTE** of York, **DAVIS** of Piscataquis, **DESCHAMBAULT** of York, **KEIM** of Oxford, **MAKER** of Washington, Representatives: **HANINGTON** of Lincoln, **STROM** of Pittsfield, **TUELL** of East Machias.

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

Sent down for concurrence.

Off Record Remarks

Bill "An Act To Provide a Method for a Student To Be Excused from Standardized Testing"

S.P. 43 L.D. 95

Presented by Senator **LIBBY** of Androscoggin.
Cosponsored by Representative **ESPLING** of New Gloucester and Senators: **MASON** of Androscoggin, **WOODSOME** of York, Representatives: **DAUGHTRY** of Brunswick, **DUNPHY** of Old Town.

Bill "An Act To Improve Attendance at Public Elementary Schools"

S.P. 44 L.D. 96

Presented by Senator **LIBBY** of Androscoggin.
Cosponsored by Representative **STEARNS** of Guilford and Senators: **LANGLEY** of Hancock, **MAKER** of Washington, **MILLETT** of Cumberland, Representatives: **HANDY** of Lewiston, **PIERCE** of Falmouth.

Bill "An Act To Include Locally Funded School Construction Projects in the School Funding Formula"

S.P. 48 L.D. 129

Presented by Senator **VOLK** of Cumberland.
Cosponsored by Representative **SIROCKI** of Scarborough and Senator: **LIBBY** of Androscoggin, Representative: **VACHON** of Scarborough.

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

Sent down for concurrence.

Bill "An Act To Amend the Charter of the Rumford Water District" (EMERGENCY)

S.P. 38 L.D. 90

Presented by Senator **KEIM** of Oxford.
Cosponsored by Representative **MADIGAN** of Rumford and Senator: **SAVIELLO** of Franklin.

Bill "An Act To Protect the Biomass Industry"

S.P. 50 L.D. 131

Presented by Senator **SAVIELLO** of Franklin.
Cosponsored by Representative **DUCHESNE** of Hudson and Senator: **WOODSOME** of York, Representatives: **FAY** of Raymond, **HARLOW** of Portland.

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

Sent down for concurrence.

Bill "An Act To Eliminate Permits for Wild Turkey Hunting, Expand the Bag Limits and Expand Opportunities for Registering Wild Turkeys"

S.P. 46 L.D. 98

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative BLACK of Wilton and Senators: CYRWAY of Kennebec, DIAMOND of Cumberland, DOW of Lincoln, SAVIELLO of Franklin, WOODSOME of York, Representative: STEARNS of Guilford.

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

Sent down for concurrence.

Off Record Remarks

Bill "An Act To Provide Funding for Costs Associated with Requiring the Licensing of Midwives"

S.P. 49 L.D. 130

Presented by Senator VOLK of Cumberland.
Cosponsored by Representative ESPLING of New Gloucester and Senators: KATZ of Kennebec, MIRAMANT of Knox, Representatives: CASÁS of Rockport, HERBIG of Belfast.

Bill "An Act To Authorize Podiatrists To Perform Certain Routine Procedures"

S.P. 51 L.D. 132

Presented by Senator VOLK of Cumberland.
Cosponsored by Senators: GRATWICK of Penobscot, KATZ of Kennebec, LANGLEY of Hancock, Representatives: BATES of Westbrook, PERRY of Calais.

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

Sent down for concurrence.

Bill "An Act To Reduce Fuel Costs to State and Local Government"

S.P. 41 L.D. 93

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative COOPER of Yarmouth and Senators: JACKSON of Aroostook, LIBBY of Androscoggin, Representatives: DEVIN of Newcastle, MARTIN of Eagle Lake, PARRY of Arundel.

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

Sent down for concurrence.

Bill "An Act To Provide an Income Tax Credit for Retailers Collecting Sales Tax"

S.P. 39 L.D. 91

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative BLACK of Wilton and Senators: COLLINS of York, DIAMOND of Cumberland, DOW of Lincoln, LANGLEY of Hancock, SAVIELLO of Franklin, Representative: HIGGINS of Dover-Foxcroft.

Bill "An Act To Support Lower Property Taxes by Restoring State-Municipal Revenue Sharing"

S.P. 52 L.D. 133

Presented by Senator BELLOWS of Kennebec.
Cosponsored by Representative MADIGAN of Rumford and Senators: KATZ of Kennebec, MAKER of Washington, SAVIELLO of Franklin, Representatives: GILLWAY of Searsport, MAREAN of Hollis, NADEAU of Winslow, SHERMAN of Hodgdon, TEPLER of Topsham.

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 Speed Limits at Loring Commerce Centre and Brunswick Landing" (EMERGENCY)

S.P. 45 L.D. 97

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative McCREA of Fort Fairfield and Senators: CARPENTER of Aroostook, CARSON of Cumberland, Representatives: BERRY of Bowdoinham, DAUGHTRY of Brunswick, GIDEON of Freeport, McCREIGHT of Harpswell, TEPLER of Topsham, TUCKER of Brunswick.

Bill "An Act To Allow the Secretary of State To Issue Licenses Pending Receipt of Necessary Paperwork from the Driver Education and Evaluation Program" (EMERGENCY)

S.P. 53 L.D. 134

Presented by Senator MAKER of Washington.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

Tim Williams, of Skowhegan, an officer of the Skowhegan Police Department, who saved the lives of a mother and her young son. Officer Williams was the first on the scene of a mobile home fire. Battling thick smoke and intense heat, he crawled through the mobile home to find Andrea Curtis and her son, Tyler Curtis-Benson, motionless. He pulled them out of the burning home and performed cardiopulmonary resuscitation on them, saving their lives. We extend to Officer Williams our appreciation for his heroism and offer him our best wishes;

SLS 26

Sponsored by Senator WHITTEMORE of Somerset.
Cosponsored by Representatives: AUSTIN of Skowhegan,
FARRIN of Norridgewock.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Whittemore.

Senator **WHITTEMORE:** Thank you, Mr. President. I'm pleased to welcome Officer Tim Williams of Skowhegan to the Senate today to formally honor him for the true acts of bravery he displayed in December, when he stormed into a burning home in order to rescue a young woman and her four year old son. On that fateful day Officer Williams was the first on the scene after receiving a call about the fire. Without hesitation, Officer Williams entered the home, crawling on his belly through thick smoke until he was able to find Andrea Curtis and her son, Tyler. Neither were moving or responsive. Once outside the home, Officer Williams performed CPR until rescue personnel arrived on the scene. Following the rescue Officer Williams was taken to the hospital himself to be treated for smoke inhalation. While Officer Williams says he was just doing his job, the reality is he is a true hero who is dedicated to serving the Skowhegan community selflessly. Please stand for a moment and join me in a round of applause to honor Officer Tim Williams, a true hero.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber with us today Chief Don Bolduc, Sgt. Joel Cummings, Officer Kate Mantor, and daughter, Alayna Williams, all from the Town of Skowhegan. If they could all rise and accept the greetings of the Senate.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (1/11/2017) matter:

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

H.P. 42 L.D. 55

Tabled - January 11, 2017, by Senator **WOODSOME** of York

Pending - **REFERENCE**

(In House, the Bill was **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.

Off Record Remarks

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

On motion by Senator **LIBBY** of Androscoggin, **ADJOURNED** until Thursday, January 19, 2017 at 10:00 in the morning in memory of and lasting tribute to the Honorable Paulette Beaudoin of Biddeford.