

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

First Confirmation Session
May 31, 2018

beginning at Page 2040

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

In Senate Chamber
Thursday
May 31, 2018

Pursuant to the provisions of Article V, Part First, Section 8 of the Constitution and the laws of the State of Maine, the Senate convened in the Senate Chamber at 3:00 in the afternoon and was called to order by President **MICHAEL D. THIBODEAU** of Waldo County.

Off Record Remarks

Prayer by Senator Michael D. Thibodeau of Waldo County.

SENATOR THIBODEAU: Lord, it is a privilege and an honor to serve in this august Body and it's days like today when the weather is beautiful outside and we're all reminded why we love to live in this great state. Lord, I know that the work that we'll do here today is probably brief but it's good to see our friends, our colleagues, and people that we care about on both sides of the aisle. Lord, I'm particularly pleased to see Senator Jackson here today. Lord, I just pray that everything that we do in our lives we remember that this world is temporary but there is an eternity. In Jesus' name. Amen.

Pledge of Allegiance led by Senator Scott W. Cyrway of Kennebec County.

The Following Communication: S.C. 1039

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

May 25, 2018

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

Dear Secretary Priest:

Pursuant to my authority under Article V, Part 1, Section 8 of the Constitution of Maine; I will be calling the Maine Senate into session on May 31, 2018 at 3:00 in the afternoon for the purpose of voting upon confirmation of various appointments made by the Honorable Paul R. LePage, Governor of the State of Maine.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

QUORUM CALL

The Secretary called the roll. With 26 Senators answering the Roll, the Chair declared a quorum present.

Out of order and under suspension of the Rules, on motion by Senator **MASON** of Androscoggin, the following Senate Order:
S.O. 32

Ordered, that a message be sent to Governor Paul R. LePage informing him that in accordance with Article V, Part First, Section 8 of the Constitution of Maine, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

READ and PASSED.

The Chair appointed the Senator from Androscoggin, Senator **MASON**, and the Senator from Aroostook, Senator **JACKSON**, to deliver the message to the Governor. The Senators were escorted to the Governor's Office.

Subsequently, the Senator from Androscoggin, Senator **MASON**, reported that they had delivered the message with which they were charged.

The Chair noted the absence of the Senator from Cumberland, Senator **DION**, the Senator from York, Senator **CHENETTE**, the Senator from Androscoggin, Senator **LIBBY**, the Senator from Cumberland, Senator **MILLETT**, the Senator from Aroostook, Senator **CARPENTER**, the Senator from Androscoggin, Senator **BRAKEY**, the Senator from Franklin, Senator **SAVIELLO**, the Senator from York, Senator **WOODSOME**, and the Senator from Hancock, Senator **LANGLEY**, and further excused the same Senators from today's Roll Call votes.

COMMUNICATIONS

The Following Communication: S.C. 1040

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

May 30, 2018

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

Dear Secretary Priest:

This is to inform you that on April 11, 2018, the Governor made the following nominations:

Pursuant to Title 4, MRSA §157, Gregory A. Campbell of Hampden for reappointment as a District Court Judge. This appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Pursuant to Title 4, MRSA §157-B, Christine Foster of Portland for appointment as an Active Retired Judge of the District Court. This appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

This is to inform you that on April 13, 2018, the Governor made the following nominations:

Pursuant to Article V, Part First, §8, of the Maine Constitution, Matthew G. Tice, Esq. of Scarborough for appointment as a District Court Judge. This appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

This is to inform you that on April 24, 2018, the Commissioner of the Department of Public Safety, John E. Morris, made the following nomination:

Pursuant to Title 25, MRSA §1501, John-Paul E. Cote of China for appointment as the Chief, Maine State Police. This appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Criminal Justice and Public Safety.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 1038

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

May 11, 2018

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th 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 Criminal Justice and Public Safety has had under consideration the nomination of John-Paul E. Cote of China, for appointment as the Chief, Maine State Police.

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	Rosen of Hancock, Cyrway of Kennebec, Diamond of Cumberland
	Representatives	9	Warren of Hallowell, Corey of Windham, Gerrish of Lebanon, Grohman of Biddeford, Herrick of Paris, Longstaff of Waterville, Marean of Hollis, Nadeau of Winslow, Reckitt of South Portland
NAYS		0	
ABSENT		1	Rep. Talbot Ross of Portland

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 John-Paul E. Cote of China, for appointment as the Chief, Maine State Police be confirmed.

Signed,

S/Kimberley C. Rosen
Senate Chair

S/Charlotte May Warren
House Chair

READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you very much, Mr. President. Good morning, ladies and gentlemen of the Senate. I am pleased to have the opportunity to speak today to Lieutenant Colonel John-Paul Cote's appointment as the next Chief of the Maine State Police. Lieutenant Colonel Cote is the former Commanding Officer of Troop F in Houlton, where he grew up, and a 29 year veteran of the State Police. He was promoted to Deputy Chief two years ago and has been serving as Interim Chief of the Maine State Police since March. He is a proud graduate of the University of Maine and has completed numerous law enforcement professional development courses, including a ten week program at the FBI National Academy in Quantico, Virginia in 2017. It was apparent throughout our committee's confirmation hearing that Lieutenant Colonel Cote has an outstanding record of public service to this state and a dedication that will serve the State of Maine well. I look forward to the work he will accomplish over the next four years. Lieutenant Colonel Cote's strong

qualifications make him an excellent candidate for Chief of the Maine State Police. I urge you to follow my light and support his nomination. Thank you.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#672)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BREEN, CARSON, CHIPMAN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, MAKER, MASON, MIRAMANT, ROSEN, VITELLI, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

EXCUSED: Senators: BRAKEY, CARPENTER, CHENETTE, DION, LANGLEY, LIBBY, MILLETT, SAVIELLO, WOODSOME

No Senator having voted in the affirmative and 26 Senators having voted in the negative, with 9 Senators being excused, 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 **John-Paul E. Cote** of China for appointment as the Chief, Maine State Police was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the Chamber with us today Lieutenant Colonel John-Paul E. Cote and his invited guests. Would they please all rise and accept the greetings of the Senate.

The Following Communication: S.C. 1035

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

May 7, 2018

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th 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 Gregory A. Campbell of Hampden, for reappointment 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	Keim of Oxford, Hill of York, Whittemore of Somerset
	Representatives	10	Moonen of Portland, Babbidge of Kennebunk, Bailey of Saco, Bradstreet of Vassalboro, Cardone of Bangor, Guerin of Glenburn, Johansen of Monticello, McCreight of Harpswell, Reckitt of South Portland, Sherman of Hodgdon

NAYS 0

ABSENT 0

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 Gregory A. Campbell of Hampden, for reappointment as a District Court Judge be confirmed.

Signed,

S/Lisa Keim S/Matthew W. Moonen
Senate Chair 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 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#673)

Representatives 10

Moonen of Portland,
Babbidge of Kennebunk,
Bailey of Saco, Bradstreet of
Vassalboro, Cardone of
Bangor, Guerin of Glenburn,
Johansen of Monticello,
McCreight of Harpswell,
Reckitt of South Portland,
Sherman of Hodgdon

YEAS: Senators: None

NAYS: Senators: BELLOWS, BREEN, CARSON, CHIPMAN,
COLLINS, CUSHING, CYRWAY, DAVIS,
DESCHAMBAULT, DIAMOND, DILL,
DOW, GRATWICK, HAMPER, HILL,
JACKSON, KATZ, KEIM, MAKER,
MASON, MIRAMANT, ROSEN, VITELLI,
VOLK, WHITTEMORE, PRESIDENT
THIBODEAU

NAYS 0

ABSENT 0

EXCUSED: Senators: BRAKEY, CARPENTER, CHENETTE,
DION, LANGLEY, LIBBY, MILLETT,
SAVIELLO, WOODSOME

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 Matthew G. Tice, Esq. of Scarborough, for appointment as a District Court Judge be confirmed.

No Senator having voted in the affirmative and 26 Senators having voted in the negative, with 9 Senators being excused, 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 **Gregory A. Campbell** of Hampden for reappointment as a District Court Judge was **CONFIRMED**.

Signed,

S/Lisa Keim S/Matthew W. Moonen
Senate Chair

House Chair

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

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 1037

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

May 7, 2018

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th 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 Matthew G. Tice, Esq. of Scarborough, 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 Keim of Oxford, Hill of York,
Whittemore of Somerset

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise today in support of the nomination of Matthew Tice of Scarborough. Matt is actually a former neighbor of mine and someone that I've known now for probably close to 20 years and he served in the Cumberland County District Attorney's Office for 21 years. Prior to that he worked in New York State in private practice and he received his undergraduate degree from Bethany College in West Virginia and his JD from Syracuse University. I know in my conversations with the District Attorney, Stephanie Anderson, that Mr. Tice has been an incredibly valuable team member for that office and that they are going to miss him tremendously. But the citizens of Maine will continue to benefit from his public service as he serves for us in our court system. I just want to wish him the best of luck and thank him for his service and thank his family for being here today.

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 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#674)

YEAS	Senators	3	Keim of Oxford, Hill of York, Whittemore of Somerset
	Representatives	10	Moonen of Portland, Babbidge of Kennebunk, Bailey of Saco, Bradstreet of Vassalboro, Cardone of Bangor, Guerin of Glenburn, Johansen of Monticello, McCreight of Harpswell, Reckitt of South Portland, Sherman of Hodgdon
NAYS		0	
ABSENT		0	

YEAS: Senators: None

NAYS: Senators: BELLOWS, BREEN, CARSON, CHIPMAN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, MAKER, MASON, MIRAMANT, ROSEN, VITELLI, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

EXCUSED: Senators: BRAKEY, CARPENTER, CHENETTE, DION, LANGLEY, LIBBY, MILLETT, SAVIELLO, WOODSOME

No Senator having voted in the affirmative and 26 Senators having voted in the negative, with 9 Senators being excused, 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 **Matthew G. Tice**, Esq. of Scarborough 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 very pleased to recognize in the Chamber with us today Matthew Tice and family members Elizabeth Campbell, Harrison Tice, and Phoebe Tice. Would they all rise and accept the congratulations of the State Senate.

The Following Communication: S.C. 1036

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

May 7, 2018

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th 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 Christine Foster of Portland, for appointment as an Active Retired Judge of the District Court .

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:

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 Christine Foster of Portland, for appointment as an Active Retired Judge of the District Court be confirmed.

Signed,

S/Lisa Keim
Senate Chair

S/Matthew W. Moonen
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 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#675)

YEAS:	Senators: None
NAYS:	Senators: BELLOWS, BREEN, CARSON, CHIPMAN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, MAKER, MASON, MIRAMANT, ROSEN, VITELLI, VOLK, WHITTEMORE, PRESIDENT THIBODEAU
EXCUSED:	Senators: BRAKEY, CARPENTER, CHENETTE, DION, LANGLEY, LIBBY, MILLETT, SAVIELLO, WOODSOME

No Senator having voted in the affirmative and 26 Senators having voted in the negative, with 9 Senators being excused, 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 **Christine Foster** of Portland 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.

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

Senate at Ease.

The Senate was called to order by the President.

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

ORDERS

On motion by Senator **MASON** of Androscoggin, the following Senate Order:

S.O. 31

Ordered, that a message be sent to Governor Paul R. LePage informing him that the Senate has transacted all business before it and is ready to Adjourn Without Day.

READ and PASSED.

The Chair appointed the Senator from Androscoggin, Senator **MASON**, and the Senator from Aroostook, Senator **JACKSON**, to deliver the message to the Governor. The Senators were escorted to the Governor's Office.

Subsequently, the Senator from Androscoggin, Senator **MASON**, reported that they had delivered the message with which they were charged.

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **GRATWICK** of Penobscot, the Honorable **MICHAEL D. THIBODEAU**, President of the Senate, declared the First Confirmation Session of the 128th Legislature **ADJOURNED SINE DIE** at 3:30 in the afternoon.