

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

PAPERS FROM THE HOUSE

House Papers

In Senate Chamber
Thursday
January 22, 2015

Bill "An Act To Authorize a General Fund Bond Issue To Attract Business by Investing in High-speed Broadband Infrastructure" H.P. 62 L.D. 68

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

Bill "An Act To Improve Retirement Security for Retired Public Employees" (EMERGENCY) H.P. 69 L.D. 86

Prayer by Senator Rodney L. Whittemore of Somerset County.

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

SENATOR WHITTEMORE: Good morning, Mr. President. Fellow Senators, ladies and gentlemen, I invite you to pray with me this morning. Dear Lord, we have come together today as legislators who will be making decisions that will affect the people of our state. As individuals, we ask Your guidance, that we shall do Your will as we move forward in this legislative process. Bless us all with the moral judgement necessary to what is right for all the citizens of our state. Lord, we thank You for all Your blessings, especially Jesus, and all the freedoms that we so often take for granted. Now more than ever, Lord, we need Your blessings and guidance to help the Senate Body work together and make the right decisions for the people that we serve. For this we pray. Amen.

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 Require Drug Testing of the Driver of a Motor Vehicle Involved in a Fatal Accident" H.P. 63 L.D. 69

Pledge of Allegiance led by Senator Anne M. Haskell of Cumberland County.

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.

Reading of the Journal of Tuesday, January 20, 2015.

Bill "An Act To Assist Towns in Eradicating Milfoil and Other Invasive Aquatic Plants and Nuisance Species" (EMERGENCY) H.P. 64 L.D. 70

Doctor of the day, Sydney Sewall, MD, MPH of Hallowell.

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

Off Record Remarks

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

Out of order and under suspension of the Rules, on motion by Senator **MASON** of Androscoggin, the following Joint Order:
S.P. 56

Resolve, To Implement the Recommendations of the Commission To Continue the Study of Long-term Care Facilities (EMERGENCY) H.P. 70 L.D. 87

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, January 27, 2015 at 10:00 in the morning.

READ and PASSED.

Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities (EMERGENCY) H.P. 73 L.D. 90

Ordered sent down forthwith for concurrence.

Come 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 Authorize Snowmobile Registration Reciprocity with the Provinces of New Brunswick and Quebec"
H.P. 71 L.D. 88

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

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

Bill "An Act To Amend the Laws Governing Service of Process in Eviction Actions"
H.P. 65 L.D. 71

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

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

Bill "An Act To Increase the Minimum Wage"
H.P. 66 L.D. 72

Bill "An Act To Allow Dental Hygienists To Prescribe Fluoride Dentifrice and Antibacterial Rinse"
H.P. 74 L.D. 91

Bill "An Act To Increase the Minimum Wage to \$8.00 per Hour"
H.P. 75 L.D. 92

Bill "An Act To Allow the Town of Berwick To Be Eligible for Full Pine Tree Development Zone Benefits"
H.P. 76 L.D. 93

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 Base the Excise Tax Imposed on the Purchase of a Motor Vehicle on the Price Paid"
H.P. 77 L.D. 94

Bill "An Act To Provide Income Tax Relief"
H.P. 78 L.D. 95

Bill "An Act To Increase the State Earned Income Credit"
H.P. 79 L.D. 96

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

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

Bill "An Act To Increase Weight Allowances for Farm Trucks"
H.P. 67 L.D. 73

Comes 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.

Resolve, To Establish a Task Force To Ensure Equity in the Benefits Provided to Military Service Members
H.P. 68 L.D. 74

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

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

COMMUNICATIONS

The Following Communication: S.C. 34

STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE PRESIDENT

January 20, 2015

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

Dear Secretary Priest,

Pursuant to my authority under Title 17-A MRSA, §1353, I am pleased to appoint Senator Kimberley Rosen of Hancock to the Criminal Law Advisory Commission, as a member of the Senate. With this appointment Senator Rosen will be replacing Senator Stan Gerzofsky.

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

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 35

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

January 20, 2015

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

Dear Secretary Priest:

Pursuant to my authority under Title 1, MRSA, Chapter 13, Section 411, I am pleased to appoint Senator David Burns of Washington to the Right to Know Advisory Committee. With this appointment Senator Burns will be replacing Senator Linda Valentino.

If you have any questions regarding this appointment please do not hesitate to contact my office.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 36

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

January 20, 2015

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

Dear Secretary Priest,

Pursuant to my authority under Title 7, MRSA, Chapter 5, Section 125, I am pleased to appoint Senator Peter E. Edgecomb of Aroostook to the Board of Agriculture, representing a Senator serving on the Joint Standing Committee on Agriculture, Conservation and Forestry Committee. With this appointment Senator Edgecomb will replace former Senator James Boyle.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 37

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

January 16, 2015

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 Dr. Joseph R. Fitzpatrick of North Yarmouth for appointment as Commissioner to the Department of Corrections.

Pursuant to Title 34-A MRSA §1401, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Criminal Justice and Public Safety.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 38

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

January 16, 2015

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 the Honorable Richard W. Rosen of Bucksport for appointment as Commissioner to the Department of Administrative and Financial Services.

Pursuant to Title 5 MRSA §281, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Appropriations and Financial Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 39

**MAINE MUNICIPAL AND RURAL ELECTRIFICATION
COOPERATIVE AGENCY**

January 14, 2015

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

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Municipal and Rural Electrification Cooperative Agency due by February 1, 2015.

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

Thank you.

Sincerely,

S/Scott M. Hallowell
MMRECA

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 40

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

January 15, 2015

The Honorable Roger J. Katz, Senate Chair
The Honorable Chuck Kruger, House Chair
And Members of the Government Oversight Committee
82 State House Station
Augusta, Maine 04333

The Honorable Michael D. Thibodeau, President of the Senate
and Members of the 127th Maine Senate
3 State House Station
Augusta, Maine 04333

The Honorable Mark W. Eves, Speaker of the House
and Members of the 127th Maine House of Representatives
2 State House Station
Augusta, Maine 04333

Dear Government Oversight Committee Members, Senators and Representatives:

In accordance with 3 MRSA §995.4, I respectfully submit OPEGA's Annual Report on Activities and Performance for 2014. OPEGA's service to the Legislature as a non-partisan resource is meant to provide support in overseeing and improving the performance of State government. As OPEGA begins its 11th year of service to the Legislature, I hope that you and Maine's citizens will continue to view our efforts and results as a worthwhile use of taxpayer dollars.

Sincerely,

S/Beth L. Ashcroft
Director

READ and with accompanying papers ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

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

SENATE PAPERS

Bill "An Act To Allow for the Cultivation of Hemp"
S.P. 52 L.D. 119

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative SANDERSON of Chelsea and
Senators: DILL of Penobscot, SAVIELLO of Franklin,
Representatives: BRYANT of Windham, COREY of Windham,
EVANGELOS of Friendship, MOONEN of Portland, SHERMAN of
Hodgdon, SUKEFORTH of Appleton.

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

Sent down for concurrence.

Bill "An Act To Reduce the Penalties for Certain Drug Offenses"
S.P. 46 L.D. 113

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative DION of Portland and Senators:
BRAKEY of Androscoggin, HILL of York, VOLK of Cumberland,
Representative: BLACK of Wilton.

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

Sent down for concurrence.

Bill "An Act To Reduce Youth Cancer Risk"
S.P. 57 L.D. 123

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative SANBORN of Gorham and
Senator: DILL of Penobscot, Representatives: BECK of
Waterville, CHAPMAN of Brooksville, FARNSWORTH of
Portland, HARLOW of Portland, KORNFELD of Bangor,
MELARAGNO of Auburn, STUCKEY of Portland.

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

Sent down for concurrence.

Bill "An Act To Require Payment by a Carrier for Health Care
Services Provided to Enrollees of the Carrier"
S.P. 58 L.D. 124

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative SANBORN of Gorham and
Senators: DIAMOND of Cumberland, DILL of Penobscot, LIBBY
of Androscoggin, MIRAMANT of Knox, ROSEN of Hancock,
Representatives: BECK of Waterville, FARNSWORTH of
Portland, HUBBELL of Bar Harbor.

On motion by Senator **WHITTEMORE** of Somerset, **REFERRED**
to the Committee on **INSURANCE AND FINANCIAL SERVICES**
and ordered printed.

Sent down for concurrence.

Bill "An Act To Require the Prevailing Wage To Be Paid on All
Public Works Projects for Which State Funding Is Used"
S.P. 50 L.D. 117

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative DeCHANT of Bath and
Senators: DUTREMBLE of York, GERZOFSKY of Cumberland,
LIBBY of Androscoggin, Representatives: DOORE of Augusta,
GILBERT of Jay, HAMANN of South Portland, HERBIG of
Belfast, PETERSON of Rumford.

Resolve, Directing the Department of Professional and Financial
Regulation To Conduct a Sunrise Review of the Proposal To
License Certain Mechanical Trades
S.P. 54 L.D. 121

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative DeCHANT of Bath,
Representative HERBIG of Belfast and Senators: DUTREMBLE
of York, GERZOFSKY of Cumberland, LIBBY of Androscoggin,
Representatives: DOORE of Augusta, GILBERT of Jay, HAMANN
of South Portland, PETERSON of Rumford, TUCKER of
Brunswick.

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 Extending Workers' Compensation Benefits to Certain
Employees of the Office of the State Fire Marshal Who Contract
Cancer"

S.P. 59 L.D. 125

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative MAREAN of Hollis and Senators:
BAKER of Sagadahoc, DUTREMBLE of York, GERZOFSKY of
Cumberland, MILLETT of Cumberland, ROSEN of Hancock,
Representatives: LONG of Sherman, POWERS of Naples.

Committee on **LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

Resolve, Authorizing the Bureau of General Services To Sell Certain Property to Kennebec County

S.P. 47 L.D. 114

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative POULIOT of Augusta and Representatives: DOORE of Augusta, FOWLE of Vassalboro.

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

Sent down for concurrence.

Bill "An Act To Expand the Use of Tax Increment Financing Revenue"

S.P. 49 L.D. 116

Presented by Senator CYRWAY of Kennebec.
Cosponsored by Representative LUCHINI of Ellsworth and Senators: BAKER of Sagadahoc, BRAKEY of Androscoggin, BURNS of Washington, SAVIELLO of Franklin, WOODSOME of York, Representatives: HUBBELL of Bar Harbor, LONGSTAFF of Waterville, SANDERSON of Chelsea.

Bill "An Act To Authorize Municipalities To Refund Amounts Collected in Excess of Tax Liens" (EMERGENCY)

S.P. 51 L.D. 118

Presented by Senator McCORMICK of Kennebec.

Bill "An Act To Provide a Tax Credit to Maine Residents for Turnpike Tolls"

S.P. 53 L.D. 120

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Senator: LIBBY of Androscoggin, Representatives: DILLINGHAM of Oxford, GOLDEN of Lewiston, GREENWOOD of Wales, LAJOIE of Lewiston, O'CONNOR of Berwick.

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

Sent down for concurrence.

Bill "An Act To Eliminate the Requirement That Adults Wear Seat Belts"

S.P. 45 L.D. 112

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Senator: COLLINS of York, Representatives: O'CONNOR of Berwick, WARREN of Hallowell.

Resolve, To Name Interstate 295 from Scarborough to West Gardiner the Richard A. Coleman Highway

S.P. 48 L.D. 115

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative POULIOT of Augusta and Representatives: DOORE of Augusta, FOWLE of Vassalboro.

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

Sent down for concurrence.

Bill "An Act To Standardize Pints of Beer Sold in Maine"

S.P. 55 L.D. 122

Presented by Senator PATRICK of Oxford.
Cosponsored by Representative GOODE of Bangor and Senators: ALFOND of Cumberland, CYRWAY of Kennebec, DILL of Penobscot, MILLETT of Cumberland, Representatives: CHIPMAN of Portland, FOWLE of Vassalboro, MASTRACCIO of Sanford, RUSSELL of Portland.

On motion by Senator **CYRWAY** of Kennebec, **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.

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 (1/13/15) matter:

Bill "An Act To Retain Call Centers in Maine"
H.P. 12 L.D. 9

Tabled - January 13, 2015, by Senator **VOLK** of Cumberland

Pending - **REFERENCE**

(In House, January 8, 2015, **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.

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, to Tuesday, January 27, 2015, at 10:00 in the morning.