

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Thursday
January 23, 2014

Senate called to order by President Justin L. Alfond of Cumberland County.

Prayer by Reverend Susan Crane, Henderson Memorial Baptist Church in Farmington.

REVEREND CRANE: Dr. Martin Luther King Jr. devoted his life to overcoming what he called the triple evils of poverty, racism, and militarism, those interrelated forms of violence that still exist in a rather vicious cycle in our society. As long as homelessness and hunger persists, as long as there are people unable to find employment, the evil of poverty will continue to stand as a barrier to living in the Beloved Community. "There is nothing new about poverty," wrote Dr. King, "but let us not be complacent about living with it." We have all at times been guilty of indifference to the poverty and deprivation in our midst. Let us hear again Dr. King's words about what it takes to be a great nation. "Ultimately, a great nation is a compassionate nation. No individual or nation can be great if it does not have a concern for the least of these." Let us rather reach for Dr. King's global vision of the Beloved Community in which all people can share in the wealth of the earth. In the Beloved Community poverty, hunger, joblessness, and homelessness will not be tolerated because international standards of human decency will not allow it. Martin Luther King Jr. believed the only way to create that Beloved Community was by people in local communities working together through a series of non-violent steps to reconcile differences, redeem inequities, and to practice the kind of love that seeks to preserve and create community. This objective, of course, is what you, as our elected legislators, are also seeking to achieve. All too often, though, the efforts to work together towards the Beloved Community unravel into finger pointing and blaming our opponents. We must practice the non-violence of Beloved Community in order to help bring it about.

Let us pray. God of great and God of small, You alone are worthy of our praise. We thank You for leading us this far by faith. Through hard times and changing times, we turn to You again and again, seeking Your light to shine on the way. Keep us mindful of those among us who have special needs, those with not enough income to make ends meet, and those who need employment or new job skills. Give us hearts of compassion to work together on the legislation that will help to bring about better days for all people. Keep us forever in the path, we pray, the path to becoming the Beloved Community where all may dwell secure, free from violence and fear, free from want and isolation. Give to Your faithful servants here in this Legislature grace sufficient for the challenges they face and power made perfect in their weakness for the sake of Your divine vision of a world held together by love with peace and justice for all creation. Amen.

Pledge of Allegiance led by Senator James M. Hamper of Oxford County.

Reading of the Journal of Tuesday, January 21, 2014.

Doctor of the day, Marguerite Pennoyer, MD of Scarborough.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **JACKSON** of Aroostook, the following Joint Order:
S.P. 691

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, January 28, 2014 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 Amend the Maine Medical Use of Marijuana Act"
H.P. 1245 L.D. 1739

Bill "An Act To Amend Laws Relating to Health Care Data"
H.P. 1246 L.D. 1740

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

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

Bill "An Act To Assist Victims of Human Trafficking"
H.P. 1238 L.D. 1730

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

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

Bill "An Act To Improve Maine's Involuntary Commitment Processes"

H.P. 1244 L.D. 1738

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

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

Resolve, Directing the Department of Defense, Veterans and Emergency Management To Develop a Portable Voucher System To Subsidize Rental Housing for Veterans in the State

H.P. 1249 L.D. 1743

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

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

COMMUNICATIONS

The Following Communication: S.C. 638

**STATE OF MAINE
126TH LEGISLATURE**

January 14, 2014

Honorable George J. Mitchell
DLA Piper LLP
1251 Avenue of the Americas
New York, NY 10020-1104

Dear Senator Mitchell:

We are pleased to invite you to address a Joint Convention of the Maine Legislature on Tuesday, January 28, 2014 at 11:00 o'clock in the morning in the Hall of the House of Representatives.

The Joint Convention is being followed by the unveiling of your portrait in the Hall of Flags, after which a reception in your honor will be held in the third floor rotunda.

We look forward to sharing this occasion with you.

Sincerely,

S/Justin A. Alfond
President of the Senate

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 639

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

January 17, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Bruce E. Wagner of North Yarmouth for appointment as the Chief Executive Officer, Finance Authority of Maine.

Pursuant to Title 10, MRSA §972 this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 640

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

January 21, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating the following individuals to Finance Authority of Maine:

Rosaire Pelletier of Madawaska, reappointment
Regis Hagerman of Standish, reappointment
Jonathan A. Block, Esq. of Portland, appointment
James G. Howard of Topsham, appointment
James P. Violette, Jr. of Waterville, appointment
Gregory E. Miller of Old Town, appointment

Pursuant to Title 10, MRSA §965 these appointments and reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 641

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

January 22, 2014

The Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Michael J. Faulkingham of South Portland for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA §6024 this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 642

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

January 21, 2014

The Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Richard A. Nass of Acton for reappointment to the Maine Board of Tax Appeals.

Pursuant to Title 36, MRSA §151-D this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Taxation.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 643

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

January 21, 2014

The Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Barbara Campbell Harvey of Portland for reappointment to the Maine Educational Loan Authority.

Pursuant to Title 20-A, MRSA §11415, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 644

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

January 21, 2014

The Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Nils R. Whitman, Jr. of Marshfield for appointment to the Washington County Development Authority.

Pursuant to Title 5, MRSA §13083-C, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 645

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

January 21, 2014

The Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating Cole R. Palmer of Phippsburg for appointment and Rollie Heckethorn of Auburn for reappointment to the Maine Rural Development Authority, Board of Trustees.

Pursuant to Title 5, MRSA §13120-D, this appointment and reappointment are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 651

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

January 22, 2014

The Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating James E. Rier, Jr. of Topsham for appointment as the Commissioner of Education.

Pursuant to Title 20-A, MRSA §251, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 646

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

January 21, 2014

Honorable Justin L. Alford, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1239 An Act To Clarify, Streamline and Promote Fair Animal Welfare Laws

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Eloise A. Vitelli
Senate Chair

S/Rep. James F. Dill
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 649

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

Dear President Alford:

In accordance with Title 9-B, MRSA, §217, as amended, enclosed please find a copy of the "Annual Report from the Superintendent of the Bureau of Financial Institutions to the Legislature." In addition to the annual statistical information, the Report also includes informational segments which address issues of current importance to the Legislature, the Executive Branch, and the Maine financial institution community.

If you or your staff have any questions regarding the information contained in this Report, the Bureau would be pleased to respond. This Report will also be available in electronic format on the Bureau of Financial Institution's web site at <http://www.maine.gov/pfr/financialinstitutions/reports/pdf/Legrep2014.pdf>.

Very truly yours,

S/Lloyd P. LaFountain III
Superintendent

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

The Following Communication: H.C. 313

**STATE OF MAINE
126TH LEGISLATURE
CLERK'S OFFICE**

January 16, 2014

Honorable Darek M. Grant
Secretary of the Senate
126th Maine Legislature
Augusta, Maine 04333

Dear Secretary Grant:

House Paper 1141, Legislative Document 1572, "An Act To Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

88 voted in favor and 55 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The members of Clinton Elementary School's Student Council: Maya Chalmers, Jeremiah Christiansen, Storer Boyden, Olivia Luce, Hallie Hotham, Ethan Cochrane, Brooke Butler, Ricky Hamlin, Jorja Furchak and Jade Hanson. The student council organized Hats for the Homeless Day, when students could make a monetary donation to wear a hat in school or bring in winter hats to donate to the Mid-Maine Homeless Shelter. The students raised \$160 and approximately 200 new hats were donated. The student council delivered the donations and had a tour of the shelter. We acknowledge the exemplary work of the student council and send them our best wishes;

SLS 734

Sponsored by Senator LACHOWICZ of Kennebec.
Cosponsored by Representative: SHORT of Pittsfield.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Lachowicz.

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I am pleased today to recognize kids from my district, the Clinton Elementary School Student Council members. What they did was they decided that there was a need in their community and they organized a donation day and hat collection. They raised about \$160 and got 200 hats that they donated to the Mid-Maine Homeless Shelter. That's a place I've worked, so I was very excited to read this in the newspaper and to meet these kids because they seemed to me the kind of people, young people, that are doing exactly what we need to be seen done; people taking the initiative and kids learning very early to give back to their communities is very important. I, personally, want to thank Jorja Furchak, Maya Chalmers, Ricky Hamlin, Jeremiah Christiansen, Ethan Cochrane, Jade Hanson, Storer Boyden, Brooke Butler, Hallie Hotham, and Olivia Luce. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber students from Clinton Elementary School. Will they please rise and accept the warm greetings of the Maine State Senate.

The First Congregational Church of Kittery Point, on the occasion of the 300th anniversary of its founding, as it begins a year of festivities, concerts and worship services to commemorate this important milestone. One of the oldest congregations in the nation, the First Congregational Church was founded in 1714. The church building was constructed in 1730 and is the oldest church building in continuous use in Maine. We congratulate the congregation of the First Congregational Church on this anniversary, and send our best wishes for future success as the members enjoy this year of festivities;

SLS 735

Sponsored by Senator HILL of York.
Cosponsored by Representatives: McGOWAN of York,
RYKERSON of Kittery.

READ.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hill.

Senator **HILL:** Thank you Mr. President. Dear Senatorial Colleagues, I just wanted to say that I was very excited to have members come today, as well as the Pastor. If you think about it, this church and this very organization are older than the United States of America. Such structures and organizations are so very important to the history of Maine. The fact that they continue to exist and are not merely relegated to the books of history is a tribute to the long, long line of caring and dedicated members. Some of those members, as well as the Pastor, are here today. I ask you to congratulate them and thank you for this piece of history.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber members of the First Congregational Church of Kittery Point: Sara Rhoades, David Gooch, Linda Powell, Jeff Gallagher, Dick Emery, and Bob Sheppard. They are here from Kittery Point and they are the guests of the Senator from York, Senator Hill. Will they please rise and accept the warm greetings of the Maine State Senate.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Support Municipal Volunteers"
H.P. 1114 L.D. 1547

Reported that the same be **REFERRED** to the Committee on **TAXATION.**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION.**

Report **READ** and **ACCEPTED**, in concurrence.

REFERRED to the Committee on **TAXATION**, in concurrence.

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Amend the Reporting Requirements of the Workers' Compensation Management Fund"
H.P. 988 L.D. 1385

Reported that the same **Ought to Pass.**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

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 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 (1/21/14) matter:

HOUSE REPORT - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Ensure Efficiency in the Unemployment Insurance System"
H.P. 482 L.D. 690

Report - **REFER** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

Tabled - January 21, 2014, by Senator **HILL** of York

Pending - **ACCEPTANCE OF REPORT**

(In House, January 16, 2014, Report **READ** and the Bill **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.)

(In Senate, January 21, 2014, Report **READ**.)

Report **ACCEPTED**, in concurrence.

On motion by Senator **HILL** of York, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in concurrence.

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 Protect Maine Lakes"
H.P. 1250 L.D. 1744

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 652

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

January 22, 2014

The Honorable Justin L. Alfond
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating Alyssa M. Wardwell of Limerick for appointment as a student member of the State Board of Education.

Pursuant to Title 20-A, MRSA §401, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 653

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

January 22, 2014

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Farnsworth of Portland, to report the following bill Leave to Withdraw:

L.D. 1595 An Act To Preserve Access to Nursing Home Care by Correcting Chronic Shortfalls in MaineCare Reimbursement (EMERGENCY)

Sincerely,

S/Sen. Margaret M. Craven S/Rep. Richard R. Farnsworth
Senate Chair House Chair

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

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

Senator **GRATWICK** of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator **CRAVEN** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senator **YOUNGBLOOD** of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate off the Record.

Senator **KATZ** of Kennebec was granted unanimous consent to address the Senate off the Record.

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 28, 2014, at 10:00 in the morning.

Off Record Remarks

Senator **BURNS** of Washington was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **JACKSON** of Aroostook was granted unanimous consent to address the Senate off the Record.

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator **CLEVELAND**: Thank you Mr. President. I wanted to share with the members of the Senate today that the work that we did on the Energy Bill has produced some great fruits for the state of Maine going forward. As you know, we're having an extremely cold winter. Right now electricity, on the stock market, is 30¢ a kilowatt hour and natural gas is up to more than \$70 a unit, above the basis differential which is pushing the price up. These are all of the issues we spoke to in the Energy Bill. The good news is that, because of the work we did here and with your support, we were able to provide the support to the Public Utilities Commission, the Chairman, to go forward and speak with the other New England states. Today they have announced that they have come to an agreement that all six New England states have agreed that they will participate in a fair and appropriate way in funding substantially new construction of a natural gas pipeline which will substantially reduce those prices that I've talked to you about. That will help us to save the industry in this state. As you know, many of our large industrials are actually shut down because it costs more to buy the fuel and the electricity than it does to run the plant. We can't let that continue. With this agreement they expect a swift approval by the Federal Energy Regulatory Commission and hope to have the pipeline on line, built, by the winter of 2017 and 2018. I wanted to bring you up to date, that the work we did here did mean something, and it will tremendously help the state of Maine and the people and the businesses here. Thank you, Mr. President.
