

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

In Senate Chamber
Wednesday
March 5, 2014

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

Prayer by Senator Rebecca J. Millett of Cumberland County.

SENATOR MILLETT: Good morning. I'll be reading from a four-
fold Franciscan blessing.

May God bless you with a restless discomfort without easy
answers, near-truths and superficial relationships, so that you
may seek truth boldly and love deep within your heart.
May God bless you with holy anger at injustice, oppression, and
exploitation of people, so that you may tirelessly work for justice,
freedom, and peace among all people.
May God bless you with the gift of tears to shed with those who
suffer from pain, rejection, starvation, or the loss of all that they
cherish, so that you may reach out your hand to comfort them and
transform their pain into joy.
May God bless you with enough foolishness to believe that you
really can make a difference in this world, so that you are able,
with God's grace, to do what others claim cannot be done.
Amen.

Pledge of Allegiance led by Senator Michael D. Thibodeau of
Waldo County.

Reading of the Journal of Tuesday, March 4, 2014.

Doctor of the day, Bruce and Teresa Malmer, MDs of Bangor.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1288

**JOINT RESOLUTION RECOGNIZING THE CENTENNIAL
OF MAINE NURSING**

WHEREAS, Maine nurses provide professional and
high-quality health care for people in all parts of the State when
and where it is needed, including in urban, rural, island and
wilderness settings; and

WHEREAS, Maine nurses provide their services in hospitals,
in hospice, public health and emergency settings, in homes, in
educational, governmental, industrial and private facilities, in
long-term care, mental health, surgical care and obstetrical
services settings, in physicians' practices and in community
health centers; and

WHEREAS, quality health care provided by Maine nurses
has long been supported by the American Nurses Association of
Maine, or ANA-Maine, which before 2001 was known as the
Maine State Nurses Association; and

WHEREAS, ANA-Maine has been a constituent of the
American Nurses Association since 1914, and nursing practice in
Maine has been registered by the State Board of Nursing since
1915; and

WHEREAS, it is the mission of the State Board of Nursing to
protect the public health and welfare in the area of nursing
practice, and it is the mission of ANA-Maine to work for the
improvement of health standards and the availability of health
care services for all Maine people; and

WHEREAS, it is also the mission of ANA-Maine to foster high
standards for nursing and to promote the professional
development of nurses; and

WHEREAS, ANA-Maine advocates for nurses and promotes
the recruitment and retention of nurses in Maine; and

WHEREAS, nursing education has grown and expanded to
meet the needs of a changing health care system to include
certified registered nurse anesthetists, certified nurse midwives,
nurse practitioners and clinical nurse specialists; now, therefore,
be it

RESOLVED: That We, the Members of the One Hundred and
Twenty-sixth Legislature now assembled in the Second Regular
Session, on behalf of the people we represent, take this
opportunity to recognize the 100th Anniversary of nursing practice
and education in the State of Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly
authenticated by the Secretary of State, be transmitted to ANA-
Maine.

Comes from the House, **READ** and **ADOPTED**.

READ.

THE PRESIDENT: The Chair recognizes the Senator from
Penobscot, Senator Gratwick.

Senator **GRATWICK:** Thank you Mr. President. I wish to speak
in favor of the Joint Resolution recognizing the centennial of
Maine nursing. Very briefly, a personal overview of the state of

medicine in Maine at this time. If you have a complex medical problem I think you can often get very, very good care here in Maine. You can go to Maine Medical Center, Eastern Maine Medical Center, or wherever. There are a number of very good places here. Some very complex issues I think you may want to off to the Mass General or the Mayo Clinic because, again, they are a further level of expertise. The one thing that I think that you'd probably see is you would get better actually nursing and real care here in the state of Maine. I've found this to be true over and over again. After the operation is done, after you've had your complex medicine, the quality of the nursing care here in Maine is superior to that that exists elsewhere in the country. I think this is largely due to the extraordinary women, and some men now, who are going into nursing. I'm in full support of this Resolution supporting Maine nursing. I think Maine is very proud of its nurses. Thank you, Mr. President.

ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 788

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

March 3, 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 Shawn H. Moody of Gorham for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229 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. 789

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

March 3, 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 the following to the Maine Community College System, Board of Trustees:

Jane S. Knapp of Gorham, appointment
William H. Cassidy of Robbinston, appointment
Shawn H. Moody of Gorham, appointment
Robert P. Clark of Fort Fairfield, reappointment

Pursuant to Title 20-A, MRSA §12705 these three appointments and this one reappointment are 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.

SENATE PAPERS

**Pursuant to Resolve
Department of Education**

Senator MILLETT for the **Department of Education**, pursuant to Resolve, chapter 74, section 4 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Review Committee Established To Examine the Impact of Unfunded Education Mandates and Other Regulatory Burdens" S.P. 720 L.D. 1805

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Report **READ and ACCEPTED.**

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing Firefighter Absence from Work for Emergency Response" (EMERGENCY)

H.P. 1194 L.D. 1622

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.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Law Governing Conflicts of Interest with Respect to the Public Utilities Commission"

H.P. 1191 L.D. 1619

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-645)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-645)**.

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

READ ONCE.

Committee Amendment "A" (H-645) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Increase the Maximum Gas Safety Administrative Penalty Amounts"

H.P. 1192 L.D. 1620

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-637)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-637)**.

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

READ ONCE.

Committee Amendment "A" (H-637) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act To Protect Social Media Privacy in School and the Workplace"

H.P. 838 L.D. 1194

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-640)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640)**.

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

READ ONCE.

Committee Amendment "A" (H-640) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act To Streamline Enforcement of Child Support Orders Issued by the Penobscot Nation" (EMERGENCY)

H.P. 1211 L.D. 1688

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-639)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639)**.

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

READ ONCE.

Committee Amendment "A" (H-639) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Preserve Code Enforcement Officer Training and Certification"
H.P. 1135 L.D. 1565

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-641)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-641)**.

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

READ ONCE.

Committee Amendment "A" (H-641) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Redistrict the Knox County Budget Committee Districts" (EMERGENCY)
H.P. 1258 L.D. 1753

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-636)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-636)**.

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

READ ONCE.

Committee Amendment "A" (H-636) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **TRANSPORTATION** on Bill "An Act To Allow for the Equalization of Truck Weights between Maine and Canada for Limited Use at the Border Crossings"
H.P. 769 L.D. 1076

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-642)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642)**.

Report **READ**.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence.

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Define 'Agent' and 'Candidate's Political Committee' in the Laws Regarding Limitations on Campaign Contributions and Expenditures"
H.P. 1185 L.D. 1613

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-626)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-626)**.

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

READ ONCE.

Committee Amendment "A" (H-626) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Strengthen Enforcement Standards for Potatoes"
H.P. 1157 L.D. 1586

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-632)**.

Signed:

Senators:

VITELLI of Sagadahoc
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
JONES of Freedom
KENT of Woolwich
MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Representative:
HICKMAN of Winthrop

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-632)**.

Reports **READ**.

On motion by Senator **VITELLI** of Sagadahoc, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-632) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms"
H.P. 206 L.D. 297

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-608)**.

Signed:

Senators:
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:
DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
LONG of Sherman
MARKS of Pittston
PEASE of Morrill
TYLER of Windham
WILSON of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:
GERZOFISKY of Cumberland

Representative:
PLANTE of Berwick

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608)**.

Reports **READ**.

On motion by Senator **GERZOFISKY** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Senate

Ought to Pass As Amended

Senator GERZOFISKY for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase Safety for Victims of Domestic Violence"
S.P. 649 L.D. 1656

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-409)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-409) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

Off Record Remarks

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House As Amended

Bill "An Act To Improve the Maine Sex Offender Registry"
H.P. 1160 L.D. 1589
(H "A" H-619 to C "A" H-600)

Bill "An Act To Preserve Head Start and Child Care Services"
H.P. 1205 L.D. 1682
(C "A" H-624)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate As Amended

Bill "An Act To Make Maine Mills More Competitive by Encouraging the Processing of Forest Products at Mills in the United States"

S.P. 640 L.D. 1649
(C "A" S-397)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Measure

An Act To Conform the Maine Tax Laws to the United States Internal Revenue Code

S.P. 671 L.D. 1705

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Provide for the 2014 and 2015 Allocations of the State Ceiling on Private Activity Bonds

S.P. 684 L.D. 1725
(C "A" S-394)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

Emergency Measure

An Act To Delay Implementation of Reformulated Gasoline Requirements in Maine

S.P. 718 L.D. 1796

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major Substantive Rule of the Department of Health and Human Services

H.P. 1153 L.D. 1582

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 4: Maine Motor Carrier Safety Regulation, a Major Substantive Rule of the Department of Public Safety, Bureau of State Police

H.P. 1156 L.D. 1585

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Provide Greater Options for Transportation of Public School Students for Cocurricular Activities

H.P. 951 L.D. 1327
(C "A" H-625)

An Act To Allow an Earlier Implementation Date for an Architectural Paint Stewardship Program

S.P. 625 L.D. 1634

An Act To Amend the Military Bureau Laws

S.P. 648 L.D. 1655
(C "A" S-395)

Tabled - March 4, 2014, by Senator **BOYLE** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, March 4, 2014, Reports **READ**.)

An Act Concerning Confidential Records Received by the Commission on Governmental Ethics and Election Practices

H.P. 1213 L.D. 1690

On motion by Senator **BOYLE** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

An Act To Clarify That Veterans Who Served in Iraq and Afghanistan Qualify for the Veterans' Property Tax Exemption

H.P. 1220 L.D. 1696
(C "A" H-623)

Committee Amendment "A" (S-405) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

An Act To Clarify the Use of the Term "Civil Violation" in the Motor Vehicle Statutes

H.P. 1262 L.D. 1758

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

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

An Act To Appropriate Funds for the Ongoing Operation of the Maine Criminal Justice Academy

H.P. 1202 L.D. 1679
(C "A" H-617)

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

On motion by Senator **HILL** of York, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Senator **HASKELL** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senate at Ease.

Senate called to order by the President.

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

ORDERS OF THE DAY

Unfinished Business

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

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.

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** to Thursday, March 6, 2014, at 10:00 in the morning.

The Chair laid before the Senate the following Tabled and Later Assigned (3/4/14) matter:

SENATE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Allow Municipalities To Stabilize Sand Dunes Affected by Actions of the Federal Government"

S.P. 635 L.D. 1644

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-405)** (12 members)

Minority - **Ought Not to Pass** (1 member)