

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
Thursday
February 2, 2017

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

Prayer by Pastor John Kelly, Providence Baptist Church in Fort
Kent.

PASTOR KELLY: Thank you, Sir, and thank you, Senator
Jackson, for allowing me the opportunity to come and open the
Senate in prayer. I just wanted to read a few verses of scripture
and then I'll open us in prayer. The scripture reading is from First
Timothy, Chapter 2, Verses 1 through 6 that says: I exhort
therefore, that, first of all, supplications, prayers, intercessions,
and giving of thanks, be made for all men; for kings, and for all
that are in authority; that we may lead a quiet and peaceable life
in all godliness and honesty. For this is good and acceptable in
the sight of God our Saviour; Who will have all men to be saved,
and to come unto the knowledge of the truth. For there is one
God, and one mediator between God and men, the man Christ
Jesus; Who gave himself a ransom for all, to be testified in due
time. Let us pray.

Father, we thank You for the opportunity to be here this
morning. God, I thank You for these Senators and their love for
their people in their communities. God, may You give them
wisdom and direction to lead our state in the right direction and
might You give them wisdom from on high and might everything
that is said and done today bring glory to Your name. We ask this
all in the name of our Lord, Jesus Christ. Amen.

Pledge of Allegiance led by Senator Susan A. Deschambault of
York County.

Reading of the Journal of Tuesday, January 31, 2017.

Doctor of the day, Marguerite Pennoyer, M.D. of Scarborough .

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **MASON** of Androscoggin, the following Joint Order:
S.P. 131

Ordered, the House concurring, that when the Senate and House
adjourn, they do so until Tuesday, February 7, 2017 at 10:00 in
the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Regarding Transportation of Methadone Patients"
H.P. 111 L.D. 153

Committee on **TRANSPORTATION** suggested and ordered
printed.

In Senate, January 26, 2017, **REFERRED** to the Committee on
TRANSPORTATION in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former
action whereby the Bill was **REFERRED** to the Committee on
HEALTH AND HUMAN SERVICES.

On motion by Senator **BRAKEY** of Androscoggin, the Senate
RECEDED and **CONCURRED**.

House Paper

Resolve, To Authorize the Transfer of State-owned Property to
the Town of St. Agatha
H.P. 109 L.D. 151

Committee on **STATE AND LOCAL GOVERNMENT** suggested
and ordered printed.

Comes from the House, **REFERRED** to the Committee on
AGRICULTURE, CONSERVATION AND FORESTRY.

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

COMMUNICATIONS

The Following Communication: S.C. 86

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

January 31, 2017

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th Maine State Legislature
State House
Augusta, Maine 04333-0003

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.

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 Appropriations and Financial Affairs has had under consideration the nomination of Philip A. Brookhouse of Auburn, for reappointment to the Maine Public Employees Retirement System Board of Trustees.

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	Hamper of Oxford, Breen of Cumberland, Katz of Kennebec
	Representatives	8	Gattine of Westbrook, Frey of Bangor, Hubbell of Bar Harbor, Jorgensen of Portland, Martin of Eagle Lake, Seavey of Kennebunkport, Tepler of Topsham, Winsor of Norway
NAYS		0	
ABSENT		2	Rep. Sirocki of Scarborough, Rep. Timberlake of Turner

Eleven 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 Philip A. Brookhouse of Auburn, for reappointment to the Maine Public Employees Retirement System Board of Trustees be confirmed.

Signed,

S/James M. Hamper
Senate Chair

S/Drew M. Gattine
House Chair

READ and ORDERED PLACED ON FILE.

The Chair noted the absence of the Senator from Cumberland, Senator **VOLK**, and the Senator from Oxford, Senator **KEIM**, and further excused the same Senators from today's Roll Call votes.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** be overridden?"

ROLL CALL (#9)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

EXCUSED: Senators: KEIM, VOLK

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Philip A. Brookhouse** of Auburn for reappointment to the Maine Public Employees Retirement System Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 87

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

January 31, 2017

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 Insurance and Financial Services has had under consideration the nomination of Eric A. Cioppa of South China, for reappointment as the Superintendent of Insurance.

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	Whittemore of Somerset, Carson of Cumberland, Dow of Lincoln
	Representatives	10	Lawrence of South Berwick, Brooks of Lewiston, Collings of Portland, Craig of Brewer, Foley of Wells, Melaragno of Auburn, Picchiotti of Fairfield, Prescott of Waterboro, Sanborn of Portland, Wallace of Dexter

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 Eric A. Cioppa of South China, for reappointment as the Superintendent of Insurance be confirmed.

Signed,

S/Rodney L. Whittemore
Senate Chair

S/Mark W. Lawrence
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** 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 (#10)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BRAKEY, BREEN,
CARPENTER, CARSON, CHENETTE,
CHIPMAN, COLLINS, CUSHING,
CYRWAY, DAVIS, DESCHAMBAULT,
DIAMOND, DILL, DION, DOW,
GRATWICK, HAMPER, HILL, JACKSON,
KATZ, LANGLEY, LIBBY, MAKER,
MASON, MILLETT, MIRAMANT, ROSEN,
SAVIELLO, VITELLI, WHITTEMORE,
WOODSOME, PRESIDENT THIBODEAU

EXCUSED: Senators: KEIM, VOLK

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Eric A. Cioppa** of South China for reappointment as the Superintendent of Insurance was **CONFIRMED**.

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

The Following Communication: S.C. 105

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

February 1, 2017

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 Marine Resources has had under consideration the nomination of Geoffrey S. Smith of Portland, for reappointment to the Marine Resources Advisory Council.

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	Maker of Washington, Brakey of Androscoggin, Vitelli of Sagadahoc
	Representatives	9	Kumiega of Deer Isle, Alley of Beals, Battle of South Portland, Blume of York, Devin of Newcastle, Hawke of Boothbay Harbor, Simmons of Waldoboro, Sutton of Warren, Tuell of East Machias
NAYS		0	
ABSENT		1	Rep. Haggan of Hampden

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 Geoffrey S. Smith of Portland, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Joyce A. Maker
Senate Chair

S/Walter A. Kumiega
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#11)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

EXCUSED: Senators: KEIM, VOLK

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Geoffrey S. Smith** of Portland for reappointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 106

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

February 1, 2017

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 Marine Resources has had under consideration the nomination of Ronald A. Trundy of Stonington, for appointment to the Marine Resources Advisory Council.

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	Maker of Washington, Brakey of Androscoggin, Vitelli of Sagadahoc
	Representatives	9	Kumiega of Deer Isle, Alley of Beals, Battle of South Portland, Blume of York, Devin of Newcastle, Hawke of Boothbay Harbor, Simmons of Waldoboro, Sutton of Warren, Tuell of East Machias
NAYS		0	
ABSENT		1	Rep. Haggan of Hampden

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 Ronald A. Trundy of Stonington, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Joyce A. Maker
Senate Chair

S/Walter A. Kumiega
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#12)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

EXCUSED: Senators: KEIM, VOLK

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Ronald A. Trundy** of Stonington for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 107

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

February 1, 2017

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 Veterans and Legal Affairs has had under consideration the nomination of Barbara J. Dresser of Saco, for reappointment to the Gambling Control Board.

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	Mason of Androscoggin, Carpenter of Aroostook, Collins of York
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Representatives	9	Luchini of Ellsworth, Casas of Rockport, Dillingham of Oxford, Farrin of Norridgewock, Hanington of Lincoln, Hickman of Winthrop, Longstaff of Waterville, Schneck of Bangor, White of Washburn
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NAYS 0

ABSENT 1 Rep. Monaghan of Cape Elizabeth

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 Barbara J. Dresser of Saco, for reappointment to the Gambling Control Board be confirmed.

Signed,

S/Garrett P. Mason
Senate Chair

S/Louis J. Luchini
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **VETERANS AND LEGAL AFFAIRS** 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 (#13)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

EXCUSED: Senators: KEIM, VOLK

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Barbara J. Dresser** of Saco for reappointment to the Gambling Control Board was **CONFIRMED**.

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

The Following Communication: S.C. 108

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

February 1, 2017

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 Veterans and Legal Affairs has had under consideration the nomination of Alfred R. Skolfield of Winthrop, for appointment to the Gambling Control Board.

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	Mason of Androscoggin, Carpenter of Aroostook, Collins of York
	Representatives	9	Luchini of Ellsworth, Casas of Rockport, Dillingham of Oxford, Farrin of Norridgewock, Hanington of Lincoln, Hickman of Winthrop, Longstaff of Waterville, Schneck of Bangor, White of Washburn
NAYS		0	
ABSENT		1	Rep. Monaghan of Cape Elizabeth

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 Alfred R. Skolfield of Winthrop, for appointment to the Gambling Control Board be confirmed.

Signed,

S/Garrett P. Mason S/Louis J. Luchini
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 **VETERANS AND LEGAL AFFAIRS** 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 (#14)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BRAKEY, BREEN,
CARPENTER, CARSON, CHENETTE,
CHIPMAN, COLLINS, CUSHING,
CYRWAY, DAVIS, DESCHAMBAULT,
DIAMOND, DILL, DION, DOW,
GRATWICK, HAMPER, HILL, JACKSON,
KATZ, LANGLEY, LIBBY, MAKER,
MASON, MILLETT, MIRAMANT, ROSEN,
SAVIELLO, VITELLI, WHITEMORE,
WOODSOME, THE PRESIDENT -
MICHAEL D. THIBODEAU

EXCUSED: Senators: KEIM, VOLK

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Alfred R. Skolfield** of Winthrop for appointment to the Gambling Control Board was **CONFIRMED**.

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

The Following Communication: S.C. 88

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

January 30, 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 The Hon. Douglas K. Damon of Bangor for reappointment to the Loring Development Authority.

Pursuant to Title 5, MRSA §13080-B, 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. 89

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

January 30, 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 Daniel R. LaPointe of Van Buren for reappointment to the Loring Development Authority.

Pursuant to Title 5, MRSA §13080-B, 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. 90

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

January 30, 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 Arnold S. Clark, Esq. of Calais for reappointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA §4561, 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. 91

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

January 30, 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 Justice Robert W. Clifford of Lewiston for reappointment to Active Retired Status of the Maine Supreme Judicial Court.

Pursuant to Title 4, MRSA §104, 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. 92

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

January 30, 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 Daniel V. Deveau of Augusta for reappointment as the Maine-Canada Trade Ombudsman.

Pursuant to Title 5, MRSA §262, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 93

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

January 23, 2017

The Honorable Mike Thibodeau
President of the Senate
3 State House Station
Augusta ME 04333

The Honorable Sara Gideon
Speaker of the House of Representatives
2 State House Station
Augusta, ME 04333

Dear President Thibodeau and Speaker Gideon:

I thank you for the invitation to deliver the State of the State address at a Joint Session of the 128th Maine Legislature on Tuesday, February 7, 2017 at 7:00 p.m.

Please know that I accept your invitation and look forward to seeing you at that time.

Sincerely,

S/Paul R. LePage Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 94

**STATE OF MAINE
SUPREME JUDICIAL COURT
PORTLAND ME**

January 18, 2017

The Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

The Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Dear President Thibodeau and Speaker Gideon:

I am pleased to accept your invitation to address a Joint Convention of the 128th Maine Legislature on Thursday, February 16, 2017, at 11:00 a.m. I appreciate the courtesy of the Legislative Branch of government in inviting me to address the cause of justice in Maine.

I look forward to seeing you on February 16, 2017.

Sincerely,

S/Leigh I. Saufley
Chief Justice

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 104

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

February 1, 2017

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 22, Subtitle 3, MRSA, Part 3, Ch. 1052-A, §3739-2, I am pleased to appoint the following members to the Child Care Advisory Council effective February 1, 2017:

Representative Jennifer Ellen Parker of South Berwick to seat 10
Representative Deborah J. Sanderson of Chelsea to seat 11

If you have any questions, please don't hesitate to contact my office.

Sincerely,

S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 95

**NORTHERN NEW ENGLAND PASSENGER RAIL AUTHORITY
PORTLAND ME**

January 25, 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

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Northern New England Passenger Rail Authority due by February 1, 2017.

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

Thank you.

Sincerely,

S/Mr. Martin Eisenstein, Chairman
Northern New England Passenger Rail Authority

S/Ms. Patricia Quinn, Executive Director
Northern New England Passenger Rail Authority

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

The Following Communication: S.C. 96

**MAINE GOVERNMENTAL FACILITIES AUTHORITY
AUGUSTA, ME**

January 27, 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

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Governmental Facilities Authority due by February 1, 2017.

Please feel free to contact me with any questions or if you need additional information. I can be reached at 622-9386 or by email at mrg@mgfa.com.

Sincerely Yours,

S/Michael R. Goodwin
Executive Director

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

The Following Communication: S.C. 97

**MAINE HEALTH AND HIGHER
EDUCATIONAL FACILITIES AUTHORITY
AUGUSTA, ME**

January 27, 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

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Health and Higher Educational Facilities Authority due by February 1, 2017.

Please feel free to contact me with any questions or if you need additional information. I can be reached at 622-1958 or by email at mrg@mhhefa.com.

Sincerely Yours,

S/Michael R. Goodwin
Executive Director

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

The Following Communication: S.C. 98

**MAINE MUNICIPAL BOND BANK
AUGUSTA, ME**

January 27, 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

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Municipal Bond Bank due by February 1, 2017.

Please feel free to contact me with any questions or if you need additional information. I can be reached at 622-9386 or by email at mrg@mmbb.com.

Sincerely,

S/Michael R. Goodwin, Executive Director

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 99

**MAINE COMMUNITY COLLEGE SYSTEM
OFFICE OF THE PRESIDENT
AUGUSTA, ME**

January 30, 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, ME 04333-0002

Dear Speaker Gideon and President Thibodeau:

I am pleased to submit on behalf of the Board of Trustees of the Maine Community College System (MCCS) the attached report on certain procurements, contributions, and policy changes for the period July 1, 2015 through June 30, 2016 as required by 5 M.R.S.A. § 12023.

To report the information required by §12023, MCCS developed a customized reporting feature in the business management module of our information systems for each of the seven colleges and the System Office, and then fed that module with data from the purchase order, cash disbursement, and credit card systems.

Combined, the seven colleges and the MCCS System Office make tens of thousands of purchases and expenditures each year. While the task of reporting on these transactions is complex, our review indicates that the colleges' compliance with existing policies is extremely high, and expenditures are consistently mission related. In those few areas where we have identified need for improvement, refinements have been made or are under way.

MCCS will continue to use its internal controls and annual outside audit to adapt its systems to changing needs, and our Board of Trustees will continue its own ongoing attention to these matters at its regular meetings.

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

Sincerely yours,

S/Derek P. Langhauser, President

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 100

**EFFICIENCY MAINE
AUGUSTA, ME**

January 30, 2017

Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, ME 04333-0003

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear President Thibodeau and Speaker Gideon:

Pursuant to 5 M.R.S.A., Section §12023, please consider this the letter of transmittal for the required report from Efficiency Maine Trust due by February 1, 2017.

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

Thank you.

Sincerely,

S/Michael D. Stoddard
Executive Director

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 101

**MAINEHOUSING
MAINE STATE HOUSING AUTHORITY
AUGUSTA, ME**

January 25, 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

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine State Housing Authority due by February 1, 2017.

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

Thank you.

Sincerely,

S/John Gallagher
Director

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

The Following Communication: S.C. 102

**PUBLIC EMPLOYEES RETIREMENT SYSTEM
AUGUSTA, ME**

January 31, 2017

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

Dear President Thibodeau:

The Maine Public Employees Retirement System (MainePERS) is submitting the enclosed report pursuant to 5 M.R.S. § 12023 to provide information on procurement, contributions, and changes to relevant policies and procedures by MainePERS during Fiscal Year 2016.

We would be pleased to respond to any questions you might have about the report.

Sincerely,

S/Sandra J. Matheson
Executive Director

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

The Following Communication: S.C. 103

**MAINE TECHNOLOGY INSTITUTE
BRUNSWICK, ME**

January 31, 2017

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

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

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Technology Institute (MTI) due by February 1, 2016.

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

Thank you.

Sincerely,

S/Brian Whitney
President

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

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

Off Record Remarks

Senate at Ease.

The Senate was called to order by the President.

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation"

S.P. 111 L.D. 345

Presented by Senator KATZ of Kennebec.
Cosponsored by Senators: HILL of York, JACKSON of Aroostook, LANGLEY of Hancock, SAVIELLO of Franklin, Representatives: FREY of Bangor, HARVELL of Farmington, POULIOT of Augusta.

Bill "An Act To Authorize a General Fund Bond Issue for a New Engineering Design and Education Center at the University of Maine"

S.P. 117 L.D. 376

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative KORNFIELD of Bangor and Senators: CUSHING of Penobscot, DILL of Penobscot, GRATWICK of Penobscot, MILLETT of Cumberland, Representative: CAMPBELL of Orrington.

Bill "An Act To Amend the Laws Governing the Issuance of Bonds"

S.P. 123 L.D. 382

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative GROHMAN of Biddeford and Senators: DIAMOND of Cumberland, DION of Cumberland, HILL of York, LANGLEY of Hancock, SAVIELLO of Franklin, Representative: GOLDEN of Lewiston.

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 Prohibit the Discharge of a Firearm within 300 Feet of a State-owned Boat Launching Ramp"

S.P. 109 L.D. 343

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative MARTIN of Sinclair and Senators: DOW of Lincoln, SAVIELLO of Franklin, Representative: BLACK of Wilton.

Bill "An Act To Make Abuse of Corpse a Class C Crime"

S.P. 112 L.D. 346

Presented by Senator KATZ of Kennebec. (BY REQUEST)
Cosponsored by Representative GROHMAN of Biddeford.

Bill "An Act To Create a County Jail Drug Rehabilitation and Treatment Grant Program"

S.P. 118 L.D. 377

Presented by Senator CHENETTE of York.
Cosponsored by Representative GROHMAN of Biddeford and Senators: DESCHAMBAULT of York, WOODSOME of York, Representatives: GERRISH of Lebanon, NADEAU of Winslow, O'NEIL of Saco.

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 Promote Physical Activity for Schoolchildren"

S.P. 119 L.D. 378

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative PIERCE of Falmouth and Senators: GRATWICK of Penobscot, LANGLEY of Hancock, MAKER of Washington, Representatives: DAUGHTRY of Brunswick, FARNSWORTH of Portland, HUBBELL of Bar Harbor, POULIOT of Augusta.

Bill "An Act To Provide Stability and Continuity in the Department of Education"

S.P. 120 L.D. 379

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative KORNFIELD of Bangor.

Bill "An Act To Implement the Federal Every Student Succeeds Act in Maine"

S.P. 121 L.D. 380

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative KORNFIELD of Bangor.

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 Provide Opportunity for Energy Cost Reduction for Maine Businesses and Citizens"

S.P. 110 L.D. 344

Presented by Senator DION of Cumberland.

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 Establish a Mattress Stewardship Program"
S.P. 115 L.D. 349

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senator: CARSON of Cumberland.

Bill "An Act To Establish a Carpet Stewardship Program"
S.P. 116 L.D. 375

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senator: CARSON of Cumberland.

Bill "An Act To Establish a Stewardship Program for Certain
Rechargeable Batteries"
S.P. 126 L.D. 385

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senator: CARSON of Cumberland.

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

Sent down for concurrence.

Bill "An Act To Support Death with Dignity"
S.P. 113 L.D. 347

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative HUBBELL of Bar Harbor,
Representative WOOD of Greene and Senators: CARSON of
Cumberland, GRATWICK of Penobscot, HILL of York,
MIRAMANT of Knox, ROSEN of Hancock, Representatives:
HARLOW of Portland, HYMANSON of York, JORGENSEN of
Portland.

Bill "An Act To Increase Access to Child Care"
S.P. 124 L.D. 383

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative HAMANN of South Portland and
Senators: BREEN of Cumberland, CARPENTER of Aroostook,
DIAMOND of Cumberland, HILL of York, JACKSON of Aroostook,
LIBBY of Androscoggin, VITELLI of Sagadahoc.

Bill "An Act To Strengthen Maine Children's Mental Health"
S.P. 125 L.D. 384

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative MALABY of Hancock and
Senators: BRAKEY of Androscoggin, BREEN of Cumberland,
CHIPMAN of Cumberland, KATZ of Kennebec, MAKER of
Washington, VITELLI of Sagadahoc, Representatives: HAMANN
of South Portland, HYMANSON of York.

Bill "An Act To Establish Universal Health Care for Maine"
S.P. 127 L.D. 386

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative HYMANSON of York and
Senators: BELLOWS of Kennebec, BREEN of Cumberland,
CHIPMAN of Cumberland, JACKSON of Aroostook,
Representatives: ACKLEY of Monmouth, BERRY of
Bowdoinham, BROOKS of Lewiston, DENNO of Cumberland.

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 the Use of Personal Flotation Devices in
Canoes"
S.P. 108 L.D. 342

Presented by Senator MAKER of Washington.
Cosponsored by Representative STEWART of Presque Isle and
Senators: DAVIS of Piscataquis, ROSEN of Hancock,
Representatives: FULLER of Lewiston, HUBBELL of Bar Harbor,
McCREA of Fort Fairfield, TUELL of East Machias.

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

Sent down for concurrence.

Bill "An Act To Promote Access to Financial Institutions by
Entities That Are Authorized under State Law"
S.P. 130 L.D. 389

Presented by Senator HAMPER of Oxford.

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 Increase Consumer Protection for Time-share
Owners"
S.P. 114 L.D. 348

Presented by Senator CHENETTE of York. (BY REQUEST)

On motion by Senator **WHITTEMORE** of Somerset, **REFERRED**
to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Provide for Oversight of Maine's Recreational Marijuana Laws"

S.P. 128 L.D. 387

Presented by Senator GRATWICK of Penobscot. Cosponsored by Representative McCREA of Fort Fairfield and Senators: DESCHAMBAULT of York, DILL of Penobscot, DION of Cumberland, VITELLI of Sagadahoc, Representatives: HUBBELL of Bar Harbor, STEWART of Presque Isle, ZEIGLER of Montville.

On motion by Senator **KATZ** of Kennebec, **REFERRED** to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Allow Delivery Vehicles To Display Lighted Advertising Signs"

S.P. 122 L.D. 381

Presented by Senator MILLETT of Cumberland. Cosponsored by Representative McLEAN of Gorham and Senators: CYRWAY of Kennebec, DIAMOND of Cumberland, DION of Cumberland, HILL of York, Representatives: BRYANT of Windham, MAREAN of Hollis, MONAGHAN of Cape Elizabeth.

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

Sent down for concurrence.

Bill "An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License"

S.P. 129 L.D. 388

Presented by Senator SAVIELLO of Franklin. Cosponsored by Senators: LANGLEY of Hancock, WOODSOME of York.

On motion by Senator **MASON** of Androscoggin, **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.

The President requested the Sergeant-At-Arms escort the Senator from Androscoggin, Senator **MASON**, to the rostrum where he assumed the duties as President Pro Tempore.

The President took a seat on the Floor.

The Senate was called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

ORDERS

Senate Order

On motion by President **THIBODEAU** of Waldo, the following Senate Order:

S.O. 12

**STATE OF MAINE
128TH MAINE SENATE**

WHEREAS, it appears to the Senate of the 128th Legislature that the following are important questions of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3 provides for the Justices of the Supreme Judicial Court to render their opinion on such questions; and

WHEREAS, separate provisions of the Constitution of Maine, adopted at different times, provide that persons elected to the House of Representatives and as Governor shall be elected "by a plurality of all votes returned," Me. Const. art. IV, pt. 1, §5 and art. V, pt. 1, §3, and those elected to the Senate "by a plurality of the votes in each senatorial district," Me. Const. art. IV, pt. 2, §4; and

WHEREAS, Article IV, Part First, Section 5 of the Constitution of Maine provides that in elections for the House of Representatives, "the election officials of the various towns and cities shall ... receive the votes of all the qualified electors, sort, count and declare them in open meeting; and a list of the persons voted for shall be formed, with the number of votes for each person against that person's name. ... Fair copies of the lists of votes shall be attested by the municipal officers and the clerks of the cities and towns [who] shall cause the same to be delivered into the office of the Secretary of State forthwith ... [and] [t]he Governor shall examine the returned copies of such lists and ... shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats."; and

WHEREAS, Article IV, Part Second, Section 3 of the Constitution of Maine provides that meetings for the election of Senators "shall be notified, held and regulated and the votes received, sorted, counted, declared and recorded, in the same manner as those for Representatives. Fair copies of the lists of votes shall be attested by the clerks of the cities and towns or other duly authorized officials and sealed up in open meetings and ... delivered into the office of the Secretary of State forthwith."; and Article IV, Part Second, Section 4 further provides that "[t]he Governor shall ... examine the copies of such lists, and ... issue a summons to such persons, as shall appear to be elected by a plurality of the votes in each senatorial district, to attend that day and take their seats."; and

WHEREAS, Article V, Part First, Section 3 of the Constitution of Maine provides that "meetings for election of Governor shall be notified, held and regulated and votes shall be received, sorted, counted and declared and recorded, in the same manner as those for Senators and Representatives. Copies of lists of votes shall be sealed and returned to the secretary's office in the same manner and at the same time as those for Senators. The Secretary of State ... shall ... lay the lists returned to the secretary's office before the Senate and House of Representatives to be by them examined, ... and they shall determine the number of votes duly cast for the office of Governor, and in case of a choice by plurality of all of the votes returned they shall declare and publish the same."; and

WHEREAS, Article V, Part First, Section 3 of the Constitution of Maine further provides that "[i]f there shall be a tie between the 2 persons having the largest number of votes for Governor, the House of Representatives and the Senate meeting in joint session, and each member of said bodies having a single vote, shall elect one of said 2 persons having so received an equal number of votes and the person so elected by the Senate and House of Representatives shall be declared the Governor."; and

WHEREAS, on November 8, 2016, the voters of the state approved a measure referred to the people pursuant to Article IV, Part Third, Section 18 of the Constitution of Maine, entitled An Act To Establish Ranked-choice Voting, referred to in this order as "the Act," which creates new methods of casting ballots for candidates, counting votes and determining elections for the offices of Governor, State Senator and State Representative, as well as the offices of United States Senator and Representative to Congress, and applies to elections held on or after January 1, 2018; and

WHEREAS, section 2 of the Act defines "ranked-choice voting" as "the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected"; and

WHEREAS, the Act provides that "[f]or offices elected by ranked-choice voting, the Secretary of State shall tabulate the votes according to the ranked-choice voting method described in [the Maine Revised Statutes, Title 21-A,] section 723-A" as enacted by section 5 of the Act; and

WHEREAS, the method of ranked-choice voting described in the Act does not allow the Secretary of State to aggregate the lists of votes compiled by city and town officials and submitted to the Secretary as required by the Constitution of Maine as set forth above, but instead necessitates that all ballots or images of ballots cast by voters within the entire electoral district be delivered to a central location in order for the Secretary of State to conduct multiple rounds of counting and redistributing voter preferences in each subsequent round of counting using specially designed computer software; and

WHEREAS, the Attorney General issued an opinion on March 4, 2016, to the effect that the system of ranked-choice voting established in the Act conflicts with provisions of Article IV, Part First, Section 5; Article IV, Part Second, Sections 3 and 4; and

Article V, Part First, Section 3 of the Constitution of Maine, which declare that ballots are to be counted by municipal officials and that the winner of each electoral race is the candidate who received a plurality of the votes cast and counted at the municipal level, and further that the ranked-choice method of resolving a tie vote in a race for Governor conflicts with Article V, Part First, Section 3; and

WHEREAS, the Act appears to conflict with the Constitution of Maine inasmuch as it would not recognize a person obtaining a plurality of the votes counted and declared by city and town officials as having prevailed in the election; would fundamentally change the role of city and town officials in sorting, counting, declaring and recording votes and would transfer those duties to the Secretary of State; and would eliminate the role of the House of Representatives and the Senate in resolving tie votes for the office of Governor; and

WHEREAS, the Act's provision for resolving tie votes for Governor by lot conflicts with duties that the Constitution of Maine imposes on Representatives and Senators under such circumstances pursuant to Article V, Part First, Section 3 and, therefore, would require them to violate their oath of office pursuant to Article IX, Section 1 of the Constitution of Maine; and

WHEREAS, if the Act were applied to elections in 2018 without resolution of the constitutional questions presented here, a candidate for Representative, Senate or Governor who gained a plurality of the votes counted by city and town officials but failed to prevail in the subsequent round or rounds counted centrally by the Secretary of State pursuant to the Act could challenge that candidate's declared loss as violative of the plurality vote requirement in the Constitution of Maine for the position sought by that candidate, and thereby place the validity of the election into question and delay the seating of a Representative, Senator or Governor; and

WHEREAS, failing to address important and unresolved questions of law about the constitutionality of ranked-choice voting before the end of the current legislative session would create uncertainty over the outcome of any future election contests involving more than 2 candidates; and

WHEREAS, the Senate requests guidance from the Justices as to the constitutionality of the Act so that it may determine, during the current legislative session, whether it is necessary to propose constitutional amendments for submission to the voters for approval in November 2017, in order to implement ranked-choice voting for elections held on or after January 1, 2018, as the Act requires; and

WHEREAS, the 128th Legislature also must determine during the current legislative session whether to authorize and appropriate in excess of \$1,500,000 in the biennial budget for the period beginning July 1, 2017 to implement the Act, including funds at a minimum for new voting equipment and computer software, staff positions, ballot printing and transportation and storage of ballots for counting in a central location; and

WHEREAS, it is vital that the Senate be informed during the current legislative session as to the opinions of the Justices on the questions propounded in this order; now, therefore, be it

ORDERED, that, in accordance with the provisions of the Constitution of Maine, the Senate respectfully requests the Justices of the Supreme Judicial Court to give the Senate their opinion on the following questions of law:

Question 1. Does the Act's requirement that the Secretary of State count the votes centrally in multiple rounds conflict with the provisions of the Constitution of Maine that require that the city and town officials sort, count, declare and record the votes in elections for Representative, Senator and Governor as provided in the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Section 3 and Article V, Part First, Section 3?

Question 2. Does the method of ranked-choice voting established by the Act in elections for Representative, Senator and Governor violate the provisions of the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Sections 3 and 4 and Article V, Part First, Section 3, respectively, which declare that the person elected shall be the candidate who receives a plurality of all the votes counted and declared by city and town officials as recorded on lists returned to the Secretary of State?

Question 3. Does the requirement in the Act that a tie between candidates for Governor in the final round of counting be decided by lot conflict with the provisions of the Constitution of Maine, Article V, Part First, Section 3 relating to resolution of a tie vote for Governor by the House of Representatives and Senate?

READ.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you, Mr. President. Ladies and gentlemen of the Senate, today we have an important document that, hopefully, we're going to get unanimous agreement on; and that's this Joint Order asking the Maine Supreme Court to take a look at ranked-choice voting. Now, the debate here today isn't about whether or not you agree or disagree with the decision made by voters. Really the question for me, and I hope for each and every one of you, is: what do we do with a piece of legislation, or a bill, in this Chamber that we're told doesn't pass the straight-face test when it comes to Maine's Constitution? If our Attorney General comes to any of us during the legislative process and says this doesn't - this is in conflict with Maine's Constitution, what would we do with it? Well, we certainly wouldn't pass it without some sort of agreement or understanding of whether or not that question is right; and we, today, are in a situation where many, many folks have suggested, and I truly believe based on my conversations with many folks, both from the Attorney General's Office as well as private conversations from people that have - I respect their legal opinions, that this is exactly the situation we're in. Maine voters wanted to pass a ranked-choice voting. That decision was made, but what do we do with it as a Legislature? If, indeed, the Attorney General's Office is right and this is contrary to Maine's Constitution, the last thing in the world that we should do is turn our back on our responsibility to correct this conflict between the statute that was passed and

Maine's Constitution because the next election, and God forbid it's any one of your elections that you're in, could be turned upside down; and we could leave our state in turmoil trying to figure out exactly who the winner of that election is. If the Secretary of State moves forward and runs the election under the statutes of this state, then we are probably, more than likely, almost inevitably going to have people that are declared the winner that is contrary to what Maine's Constitution would tell you.

The question is between majority and plurality. I don't have to explain that to you. You all have looked at this. You understand it. So today the decision, to me, is very simple. It isn't about whether I agree or disagree with ranked-choice voting. It's about whether or not when I took that oath of office and said that I will uphold the Constitution of the State of Maine whether or not this is part of that pledge that I made. To me it is. I have to uphold the Constitution. I think that we're in violation of it with the statute that's on the books. I think we need clarity from Maine Supreme Court. I'm confident that they're going to take this issue up. They'll get us some answers really quickly and then, based on them answers, we've got a lot of work to do. The reality is, if it is truly constitutional, then we've got an appropriation to make to make sure that the Secretary of State has the resources to count the ballots in the manner that is being proposed. That's going to cost us millions of dollars. It would be our responsibility, if this is constitutional, to appropriate the millions of dollars so that they can be counted in the proper fashion. If it's unconstitutional then we've got another decision to make. Either we're going to change Maine's Constitution to make sure that this is not in conflict or we're going to have to take action to make sure this statute complies with Maine's Constitution. Anything else is not fulfilling our obligation to the people that voted for us and sent us here. I think this is a simple decision. I hope each and every one of you will join me in supporting this and we will get the question before the Supreme Court as soon as possible. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Kennebec, Senator Bellows.

Senator **BELLOWS:** Thank you, Mr. President. I rise in opposition to this measure. I believe we should honor the will of the people and avoid any delay. As we consider this measure, I encourage you to ask yourself: is there legislative action before us that rises to the level of solemn occasion or will this have the effect of unnecessary delay? If we were truly worried about the constitutionality of ranked-choice voting we could take unanimous action in both Bodies at this time to amend the Maine Constitution to clarify any language that might raise any doubts for any party. We just took unanimous action on another referendum passed by the voters. I am not, personally, concerned that this is a constitutional question here as I believe a plain reading of the Maine Constitution and the word "plurality" is permissive of majority. Moreover, enacted law has a presumption of constitutionality. If we, in the Legislature, had passed this law the Court would presume it to be constitutional and we should apply the same standard to a law passed by the voters. There is a real question as to whether this qualifies as a solemn occasion. I am not convinced that the Court will take it up. The standard for solemn occasion is very high in order to preserve separation of powers between the Legislature and the courts under the Constitution. We do not want to set a precedent of a Legislature turning to the courts every time a law is passed to seek an advisory opinion as to the constitutionality of our legislation.

Precedent suggests that, in fact, it is not a solemn occasion. In 1981, the Court, citing precedence from 1975 and 1976, ruled that no solemn occasion exists when the Justices are asked to give their opinions on the law which is already in effect. In 1997, the Court further ruled a solemn occasion refers to an unusual exigency, such an exigency as exists when the Body making the inquiry having some action in view has serious doubts as to its power and authority to take such action under the Constitution or under existing statutes. I don't think we have serious doubt about our power or authority because no actual legislative action is before us at this time. The legislative action was taken by the people in November. If an aggrieved party chooses to raise a legal challenge after 2018, it will be addressed by the Courts then, regardless of whether the court makes an advisory opinion now or not. But it's not clear that such a challenge will be raised then or ever. In my view, a solemn occasion does not exist. I urge you to defer to the will of the people and join me in voting no.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion before us and I'm sorry to respectfully disagree with my colleague from Kennebec County. You know, I've actually been publically on the record even before the vote on this happened of supporting the policy of ranked-choice voting; but I do think that there are some very serious constitutional questions here that even the Attorney General has raised and I believe that my oath of office means that my duty to uphold the Constitution and to seek questions on this to be addressed come before my personal policy preferences. To the idea that we could, today, unanimously change the Constitution to address this, I don't - my understanding of the process is that it's not that simple. We could unanimously, as the House and Senate, maybe propose an amendment; but then that would actually have to go back out to the voters to be ratified. We would still be in the same situation. Why not get clarity on the Constitution from the Supreme Court instead of going through that process? If we get to that process and we hear from the Supreme Court that action may be needed otherwise, then we could consider a Constitutional Amendment. One thing that I do not want to see happen is I do not want to see us in a constitutional crisis during the next election of the Governor where we have two candidates who both think that they've won and we put our courts in a system - in a situation where they have to pick who the winner is. I don't think any of us want to see that situation. We've seen that happen in presidential races in the past and it leaves a lot of very hurt feelings and a lot of questions unanswered. So I think we can avoid that by today asking for a solemn occasion and getting some clear guidance on this. Thank you very much.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Dion.

Senator **DION:** Good morning, Mr. President. I want to begin by saying that I have a great deal of respect for the President and the concerns that lie behind his proposition as outlined in the Order.

In contrast, I've been with my wife for 40 years. Forty years of struggling to create what we would call as politicians a more perfect union. It's a work in progress. Alright. My wife would probably vote in favor of this Order because our constitution in

our household has allowed her to declare that, based on her opinion of what might occur if I'm allowed to act on my thinking, is justification enough for intervention. I have railed under that principle for four decades. I've brought every skill at my disposal to argue this in her court and to date I have been unsuccessful and I thank God that her constitution is not before us today as a Body.

We actually have a better Constitution. We have an understanding that there's a distinct role for the Legislature, the Executive, and the Judiciary; and they are to be separate. As much as that is the case, their concerns are compartmentalized for their responsibilities. Democracy is messy. We may have concerns about how the people have expressed their will, but they have expressed it. I've learned that 40 years in another arena. I don't challenge it there and I will not challenge it here today. That will has been expressed. I have read this Order and I do share in some of the concerns, but they're speculation. They're our best guess. They're characterized by qualifiers "that I believe" and "I think it may." These are not articulation of fact. They're not a description of conduct that has occurred or is about to occur immediately before us. The Court, whether we're suspect as to whether or not it should make a legislative decision in its function, is rather a mechanism of true clarity. It can only act if there's actually a controversy before it, that there is an actual piece of conduct that has transpired; and they're being invited to make a decision about how the law will be applied. Democracy is messy. It's not predictable. We have expectations about how law will function, and from time to time the Court will write opinions; and if you read them, they signal to the Legislature that they must, in fact, make adjustments in the future in order to avoid any future controversies. This order, to some, presents that dilemma: that we can look into the future and it's reasonably predicted that something will happen.

My wife shares a similar sentiment. When she hears me express a certain thought, it is clear in her mind the inevitable can be predicted; and I reject that only because if I'm not allowed to think about what might happen, I can't make a good decision. Alright. So really for four decades it's been a battle around trust. I trust the Court to do its work when presented with an actual case before it. That assumes that a case could, may, possibly, I think or believe, may arise from an election governed by the decision of the people to use ranked-choice voting. If we determine today that this law, as a law, is subject to such concern that we would ask for its constitutionality to be reviewed, then every single law we pass as a Body is subject to the same type of question. In essence, we would be handcuffing our ability to function as a Legislature. We have a role to do. This Order, when you get beyond the legalese and the boilerplate, is a list of grievances from an executive officer within the Executive Branch. I may share, or be sympathetic, to his concerns; but is it not my duty or responsibility to contradict a law that is in place by virtue of the people's decision. Not now. Maybe in the future it may come back to us as a policy question, but not today. So I urge you to reject this Order.

I'll close with this. I've read all the prior solemn occasions and never once has the Judiciary entered into reviewing the constitutionality of an act that already was in place. What a court should do, a conservative prudent court should do, is wait until that moment that parties bring the question before it as a case. Only then does jurisprudence have any relevance to the question. Only then a court adhering to its constitutional responsibility can act and weigh in with judgement. I urge you, as Legislators, as

members of this branch of government, to defer and vote no on this Order. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I first rise recognizing my good friend, the Senator from Cumberland, may be new here. I want to pose a question as to whether he's aware that not only is the media here, but these are recorded and can be viewed by his wife at any point. So he provides some testimony at his peril.

In regards to the issue before us, Mr. President, it is a matter that has been brought by the Senate President in regards to an issue that the voters presented us with and I recognize and respect that my colleagues here who may feel differently feel the voters have spoken and we should accept that; but we do have that responsibility that was spoken of earlier here to assure that we do diligence in protecting the system of voting in this state. And if there were to be a question, it would be more appropriate in some of our opinions, Mr. President, that we address that issue prior to this and that we respect the law court's ability to weigh this in a separate venue and provide us with guidance before we were to leave this session so if action was necessary, we would be prepared both to address any changes and provide the proper funding so the Secretary of State can assure that town clerks and those who oversee elections have the knowledge and resources before they get to that level. Anyone involved with the mechanics of an election knows that this doesn't just happen. There is tremendous preparation. There are dedicated people who work year-round to assure that the integrity and the process of validity to our electoral system is protected, and the logistics of that also are properly taken care of. So if we are, indeed, to go down this course, we are going to have to allow our elections division to be prepared. I thank you for the opportunity to address the Body.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you, Mr. President. As a supporter of ranked-choice voting, I rise today in support of the pending motion. Over the last month or so we've all received dozens of e-mails. People who supported ranked-choice voting at the ballot box are urging us to vote against putting forth a solemn occasion request. The dynamic that appears to have been set up, Mr. President, is that if you are in favor of ranked-choice voting, you should be against the solemn occasion and that only those who oppose ranked-choice voting are in favor of it. I believe that's a false choice. To me, no matter where you stand with respect to ranked-choice voting, we ought to be requesting the solemn occasion because all of us and all of our constituents have a real interest in having this matter resolved now instead of waiting for the chaos that awaits us if we don't do it now. Whether this is a solemn occasion or not, we could disagree about that. I predict the Court will find this as a solemn occasion. The law court has said that a solemn occasion exists when the questions are of a serious and immediate nature, and I suggest they are here. In one of its opinions the Court went on to say, "The members of the Maine Senate and the House of Representatives have told us that they need our opinion in order to undertake their responsibilities. We take them at their word that an opinion on the constitutionality of the Initiated Bill by the Justices would assist and inform the

Senate and the House in the deliberations." As we're deciding are we going to be appropriating, whether it is one million or two million dollars, to put this system in place, we certainly need the guidance of the Court.

There is a very serious constitutional issue here. The Constitution talks about how the winner of an election in the House or the Senate or for the Governor's race is the one who has a plurality. That's the one who has the most votes. It seems fairly clear to some people. The ranked-choice voting supporters said no because a majority - that is, the winner through the ranked-choice voting process - that a majority is also a plurality. Well, that's an interesting argument; but no matter which side you come down on, there's a very, very real issue here. By the way, Mr. President, there's also a question about whether the Court could decide that ranked-choice voting is applicable in primary elections but not in general elections because of the way the Constitution is written. I think if there's one thing we can agree on, this matter will end up in court.

When was the last time that a Governor got elected with more than 50% of the vote? It's been quite a while. So we can do it now, well in advance of the election; or we can wait until November of 2018 when Jones gets 35% of the vote, Smith gets 34% of the vote, and Clark gets 31% of the vote. Jones has the most votes, but Smith wins under ranked-choice voting. So who puts together a transition team? Who starts hiring staff? Who starts putting the budget together while this matter winds through the courts because the complaint to resolve this would be brought in the Superior Court; and a Superior Court Justice would make a decision, and then that would get appealed to the law court. We're talking about potentially months or, in the alternative, we could all come back in in November as our last act of the 128th Legislature and declare a solemn occasion, which we can do now. That would be a great expense. There would be huge turmoil. I'm reminded of the old car ad that said, "Pay me now or pay me later." You know, do the oil change now or wait for the expensive car repair later. That's where we are today. We can do it now easily or we can do it later when it's in the midst of chaos and when it will be much more expensive for us to get involved. Remember that it's the same court that's going to decide this ultimately one way or another. Let's at least find out if the Court agrees that there is a solemn occasion.

So no matter how we might feel about ranked-choice voting, I hope we'll all agree to do the responsible thing and vote yes on the pending motion. Thank you.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise in great support of ranked-choice voting. I think it's extraordinarily important. It was a major factor in my election. I'm going to support it today because I like the idea of having ideas, opinions, perspectives up front. I think that the more knowledge we have now the better we'll be. I hope - I have no idea which way the Court will be resolving this. I have strong feelings. I hope they resolve it in one particular way, in which case I'll be pleased. If, on the other hand, they resolve it in another way, I think we always have the option before us of amending the Constitution. It's a great big deal. It requires a great deal of work, though. On the other hand, it's been done 172 times in our history; and this, to me, would be an occasion which would arise to that. So I think we're going to

have warning that this may be an appropriate avenue for us to go. So I think that this is simply giving us an initial step down whatever road we need to take to get ranked-choice voting. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I approach this from a very pragmatic, common sense, logical kind of way, I hope. I've had the privilege and the honor to run statewide elections for eight years; and that was a tremendous, tremendous responsibility. One of the things we always look for before Election Day was trying to anticipate problems, trying to anticipate crises. No matter how well we did that anticipation, there were always surprises, always things that jumped out at us, always things that caused problems with local clerks which we would get involved with at the state level. This is one of those occasions, from a very commonsense approach, as I see it. This is one of those occasions where we know there is a crisis coming at us. As you've heard so well articulated, if on Election Day we have more than two candidates and the winner becomes the loser and the loser becomes the winner, then there's going to be a challenge; and I believe the Court understands that. I think we understand it, if we look at it carefully. There will be challenges, not only in governors - the gubernatorial races, but also in the Senate races and the House races. I think it's our responsibility to get that challenge minimized as much as possible. I do think the Court will take this and treat it as a solemn occasion because I think they understand the chaos that awaits, and I think they understand the importance of getting this question answered well in advance of the problem so it can be addressed.

The Attorney General has questioned the constitutionality. The Secretary of State has, but the ultimate decision will come from the Court. So I think we have to understand and realize we're just asking the question, a question that is our responsibility to ask, because if we wait until the day after election there will be many, many people who will say, "Why? Why didn't - you had the opportunity? Why didn't you get this cleared up?" It doesn't mean we oppose or support ranked-choice. We have before us an Order that will clear this question up, which will avoid, in my opinion, a huge, huge crisis the day following the election. So I hope you will support this order. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I'd like to speak just in regards to common sense as well. I think many of you have bought an item and you had directions to follow and lots of times you just went and took it upon yourself to try the thing out; and then if it didn't work, you went back for the directions. Sometimes you even broke whatever you was working on; and then you said, "Oh, I should have read the directions." Well, the directions are our Constitution. Many times when you buy this item it says, "Please read the directions before you use this item." This is what we have to do and this is what we're doing here today. So I am asking you to read the directions. Thank you.

On motion by Senator **CUSHING** of Penobscot, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion by President Thibodeau of Waldo to Pass. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#15)

YEAS: Senators: BRAKEY, CARPENTER, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, GRATWICK, HAMPER, HILL, KATZ, LANGLEY, LIBBY, MAKER, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, DION, JACKSON, MILLETT, MIRAMANT, VITELLI

EXCUSED: Senator: KEIM

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by President **THIBODEAU** of Waldo to **PASS PREVAILED.**

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 (1/21/17) matter:

Bill "An Act To Support Workforce Development by Increasing Engineering Capacity"

S.P. 100 L.D. 312

Tabled - January 31, 2017, by Senator **VOLK** of Cumberland

Pending - **REFERENCE**

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.)

On motion by Senator **VOLK** of Cumberland, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (1/31/17) matter:

Bill "An Act To Require State Compliance with Federal REAL ID Guidelines"

S.P. 92 L.D. 306

Tabled - January 31, 2017, by Senator **WHITTEMORE** of Somerset

Pending - **REFERENCE**

(Committee on **JUDICIARY** suggested and ordered printed.)

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

Sent down for concurrence.

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

The Senate was called to order by
President Pro Tempore Mason.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Repeal Certain Requirements Concerning the Sale and Purchase of Firearms"

H.P. 256 L.D. 350

Bill "An Act To Allow Municipalities To Prohibit Weapons at Municipal Public Proceedings and Voting Places"

H.P. 257 L.D. 351

Bill "An Act To Require a Dealer To Sell a Gun Lock with Every New Firearm"

H.P. 258 L.D. 352

Come 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.

Bill "An Act To Stabilize Maine's Educational Leadership and Vision"

H.P. 247 L.D. 333

Bill "An Act To Clarify the Uses of the Fund To Advance Public Kindergarten to Grade 12 Education"

H.P. 248 L.D. 334

Bill "An Act To Reduce Absenteeism in Students from Kindergarten to Third Grade"

H.P. 259 L.D. 353

Bill "An Act To Address the Shortage of School Administrative Professionals"

H.P. 260 L.D. 354

Bill "An Act Regarding Special Education Costs"

H.P. 261 L.D. 355

Bill "An Act To Repeal Certain Requirements for Graduation from Secondary School"

H.P. 262 L.D. 356

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

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

Bill "An Act To Create a Penalty for the Discharge of Septic Waste from Watercraft into the Inland Waters"

H.P. 263 L.D. 357

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

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

Bill "An Act To Expand Child Care Options for Children Placed with Older Kinship Guardians"

H.P. 249 L.D. 335

Bill "An Act To Amend the Requirements of the Temporary Assistance for Needy Families Program"

H.P. 250 L.D. 336

Bill "An Act To Close the Gap in Children's Health Care Coverage in Maine"

H.P. 264 L.D. 358

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 Provide 100 Percent Disabled Veterans Antlerless Deer Permits in the Zone of Their Choice"

H.P. 254 L.D. 340

Bill "An Act To Promote Deer Hunting"

H.P. 255 L.D. 341

Bill "An Act To Protect Maine Lakes and Ponds from Invasive Species"

H.P. 265 L.D. 359

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

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

Bill "An Act To Allow Consumers To Shop for Credit without Damaging Their Credit Scores"

H.P. 266 L.D. 360

Bill "An Act To Ensure Fair Compensation for Licensed Insurance Agents"

H.P. 267 L.D. 361

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

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

Bill "An Act To Allow Relative Caregivers Standing in Court"

H.P. 268 L.D. 362

Bill "An Act To Make a Child Living with a Custodial Relative Caregiver Eligible for State-paid Legal Services"

H.P. 269 L.D. 363

Bill "An Act To Make Technical Changes to the Laws Governing Child Support"

H.P. 270 L.D. 364

Bill "An Act To Waive Background Checks for the Parent of a Child Who Is the Subject of an Adoption Proceeding"

H.P. 271 L.D. 365

Bill "An Act To Ensure Compliance with Federal Immigration Law by State and Local Government Entities"

H.P. 272 L.D. 366

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

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

Bill "An Act To Protect Public Health through Septic Tank Inspections"

H.P. 278 L.D. 372

Comes 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 Establish the Seaweed Advisory Council and To Enhance the Management of the Seaweed Fishery"

H.P. 275 L.D. 369

Bill "An Act To Improve Productivity in Authorized Municipal Shellfish Conservation Areas with Predation Protection Measures in Place"

H.P. 276 L.D. 370

Bill "An Act To Create Pathways To Enter Alternative Marine Industries"

H.P. 279 L.D. 373

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

On motion by Senator **MAKER** of Washington, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Welcome Statewide Economic Investment"
H.P. 274 L.D. 368

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

Comes from the House, **REFERRED** to the Committee on **TAXATION**.

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

Bill "An Act To Protect Jobs and the Maine Economy by Eliminating the 3% Income Tax Surcharge Imposed on Certain Mainers and the Fund To Advance Public Kindergarten to Grade 12 Education"

H.P. 251 L.D. 337

Bill "An Act To Exempt Certain Disabled Veterans from the Motor Vehicle Excise Tax"

H.P. 252 L.D. 338

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

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

Bill "An Act To Allow a Truck Carrying Perishable Products To Operate on a Posted Road without a Permit"

H.P. 277 L.D. 371

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.

Bill "An Act To Reduce Restrictions on Wine Shipments"
H.P. 253 L.D. 339

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

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

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Recodify and Revise Certain Portions of the Maine Criminal Code"

H.P. 280 L.D. 374

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

Off Record Remarks

On motion by Senator **THIBODEAU** of Waldo, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, February 7, 2017 at 10:00 in the morning.