

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
Tuesday
March 28, 2017

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

Prayer by Pastor Eric Ness, Center Conway Baptist Church of
New Hampshire.

PASTOR NESS: Thank you. I'm glad to have my son with us today. We're residents of Fryeburg but I work in New Hampshire in the Center Conway Baptist Church now for 20 years. Let's bow our heads and let us pray. Heavenly Father, we're grateful for another day. Thank You, Lord, for these, our public servants, who serve us in the Senate. Thank You for the love of country and the love of our state that they show. Thank You for our families, our homes, this great place we call Maine. What an amazing place to call home. Lord, we come today to ask for Your help, Your protection, Your blessing, Your guidance in serving the people of Maine here in the Senate. We ask for Your wisdom in all of our work and decisions and the work that needs to be done and help Your will to be done. We pray for strength for the day that You've set before us. Bless our Governor, our Senators, our Representatives, and staff. So, Father, we beg for Your presence and ask that You'd please, Lord, bless America and the great State of Maine. We ask these favors in the wonderful name, the name of the Lord Jesus. Amen.

Pledge of Allegiance led by Senator Eloise A. Vitelli of Sagadahoc
County.

Reading of the Journal of Thursday, March 23, 2017.

Doctor of the day, Romeo Lucas, D.O. of Cumberland.

Off Record Remarks

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

SENATE PAPERS

Bill "An Act To Allow the Commissioner of Inland Fisheries and
Wildlife To Change the Closing Date of Fishing Seasons"
(EMERGENCY)

S.P. 409 L.D. 1218

Presented by Senator DAVIS of Piscataquis. (GOVERNOR'S
BILL)

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Support Tourism on Public Reserved Lands by
Leasing Sites to Commercial Sporting Camps"

H.P. 789 L.D. 1126

Bill "An Act To Provide Occupants of Motor Vehicles with Gold
Star Family Registration Plates Free Entry to State Parks"

H.P. 790 L.D. 1127

Come from the House, **REFERRED** to the Committee on
AGRICULTURE, CONSERVATION AND FORESTRY and
ordered printed.

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

Resolve, To Establish the Committee To Study the Processing of
Evidence from Sexual Assault Test Kits

H.P. 791 L.D. 1128

Resolve, To Provide Wage Parity for Law Enforcement Officers in
the Department of Corrections with Other Law Enforcement
Officers

H.P. 809 L.D. 1146

Bill "An Act To Provide a Voluntary Method of Determining
Whether a Purchaser of a Firearm Is Prohibited from Possessing
a Firearm without a Background Check"

H.P. 817 L.D. 1154

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 Safeguard the Rights of Private Child Care Businesses"

H.P. 811 L.D. 1148

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

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

Bill "An Act Regarding College Affordability"

H.P. 792 L.D. 1129

Bill "An Act To Provide Traffic Safety Education in Schools"

H.P. 793 L.D. 1130

Bill "An Act To Create Education Savings Accounts for Maine Students"

H.P. 794 L.D. 1131

Bill "An Act To Create Education Savings Accounts for Students with Special Needs"

H.P. 795 L.D. 1132

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

Bill "An Act To Amend the Laws Governing Crossbow Hunting"

H.P. 800 L.D. 1137

Comes 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.

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 Require Notification of Long-term Care Policy Proposed Rate Increases"

H.P. 801 L.D. 1138

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

Bill "An Act To Modernize the Renewable Portfolio Standard"

H.P. 810 L.D. 1147

Bill "An Act To Allow Promotional Allowances by Public Utilities"

H.P. 814 L.D. 1151

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

Come from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Bill "An Act To Clarify Certain Right-of-way Limitations"

H.P. 802 L.D. 1139

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

On motion by Senator **WOODSOME** of York, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

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

Bill "An Act To Promote Independent Living for People with Disabilities"

H.P. 779 L.D. 1105

Bill "An Act Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization"

H.P. 796 L.D. 1133

Bill "An Act To Preserve the Economic Viability of Maine's Historic Properties"

H.P. 803 L.D. 1140

Bill "An Act To Amend the Laws Governing Nursing Facilities To Permit Nurse Practitioners, Clinical Nurse Specialists and Physician Assistants To Perform Certain Physician Tasks"

H.P. 797 L.D. 1134

Bill "An Act To Encourage the Hiring of Skilled Immigrants through Flexible Certification"

H.P. 815 L.D. 1152

Resolve, Directing the Department of Health and Human Services To Amend Its Rules Regarding Services Provided to Students

H.P. 799 L.D. 1136

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

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act To Make Election Day a State Holiday"
H.P. 804 L.D. 1141

Bill "An Act To Repeal the Laws Establishing the Cumberland County Recreation Center and To Transfer Authority to Cumberland County"
H.P. 805 L.D. 1142

Bill "An Act To Establish a Village Corporation"
H.P. 816 L.D. 1153

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **DAVIS** of Piscataquis, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Resolve, Providing for the Official Observance of the 200th Anniversary of the Formation of the State of Maine
H.P. 806 L.D. 1143

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

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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 Support Maine Families by Increasing the Dependent Care Credit"
H.P. 807 L.D. 1144

Comes 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 the Department of Transportation To Recover Costs Incurred by the Department for Allowing Access to a Controlled Access Highway"
H.P. 808 L.D. 1145

Bill "An Act To Provide Revenue To Fix and Rebuild Maine's Infrastructure"

H.P. 812 L.D. 1149

Resolve, To Establish the Road Usage Charge Task Force
H.P. 813 L.D. 1150

Come 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.

COMMUNICATIONS

The Following Communication: S.C. 237

STATE OF MAINE OFFICE OF THE GOVERNOR

March 23, 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 B. Charles Large of Lewiston for appointment to the Northern New England Passenger Rail Authority.

Pursuant to Title 23, MRSA §8112, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 238

STATE OF MAINE OFFICE OF THE GOVERNOR

March 23, 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. Brian D. Hobart of Bowdoinham for appointment to the Northern New England Passenger Rail Authority.

Pursuant to Title 23, MRSA §8112, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

This is to inform you that I am today nominating The Hon. Kenneth C. Fletcher of Winslow for reappointment to the Efficiency Maine Trust Board.

Pursuant to Title 35-A, MRSA §10103, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 239

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 23, 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 Robert D. Stone of Auburn for reappointment to the Maine Turnpike Authority Board of Directors.

Pursuant to Title 23, MRSA §1964-A, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 245

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 24, 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 David S. Stapp of Bremen for reappointment to the Efficiency Maine Trust Board.

Pursuant to Title 35-A, MRSA §10103, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 244

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 24, 2017

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

Dear President Thibodeau:

The Following Communication: S.C. 243

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

March 20, 2017

Honorable Michael D. Thibodeau, Senate President
Honorable Sara Gideon, Speaker of the House
128th Maine State Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon,

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

L.D. 741 An Act To Provide Equity in Education Funding

Sincerely,

S/Sen. Dana L. Dow
Senate Chair

S/Rep. Ryan Tipping
House Chair

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

The Following Communication: S.C. 241

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

March 23, 2017

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

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

L.D. 430 An Act To Amend the Exemption for Highway Contractors and Subcontractors under the Arborist Licensing Laws

This is notification of the Committee's action.

Sincerely,

S/Sen. Paul T. Davis Senate Chair
S/Rep. Michelle Ann Dunphy House Chair

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

The Following Communication: S.C. 242

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

March 21, 2017

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 624 An Act Concerning the Transporting of Dogs in Passenger Vehicles

This is notification of the Committee's action.

Sincerely,

S/Sen. Ronald F. Collins
Senate Chair

S/Rep. Andrew J. McLean
House Chair

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

The Following Communication: S.C. 240

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

TO: Honorable Michael D. Thibodeau, President of the Senate

Honorable Sara Gideon, Speaker of the House
and Democratic and Republican Leaders

FROM: S/Beth L. Ashcroft, Director

DATE: March 24, 2017

RE: Children's Licensing and Investigation Services

Attached please find the final report from the Office of Program Evaluation and Government Accountability on Children's Licensing and Investigation Services. The report is also available on our website at <http://legislature.maine.gov/opega/opega-reports/9149>. The public comment period on this Report has been scheduled for Friday, April 14, 2017 at 9:00 a.m. in Room 220 Cross Building.

If you have questions, please feel free to contact me.

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

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

The Chair noted the absence of the Senator from Aroostook, Senator **CARPENTER**, and further excused the same Senator from today's Roll Call votes.

SENATE PAPERS

Bill "An Act To Require That Information on Prisoners' Furlough Be Reported to the National Crime Information Center, Department of Public Safety and State Bureau of Identification"
S.P. 394 L.D. 1173

Presented by Senator CYRWAY of Kennebec.
Cosponsored by Representative PIERCE of Dresden and Senators: DIAMOND of Cumberland, President THIBODEAU of Waldo, Representatives: GERRISH of Lebanon, GROHMAN of Biddeford, HAWKE of Boothbay Harbor, HERRICK of Paris, NADEAU of Winslow, PICCHIOTTI of Fairfield.

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 Expand Options for the Prevention of Domestic Violence"

S.P. 396 L.D. 1175

Presented by Senator DION of Cumberland.
Cosponsored by Representative WARREN of Hallowell and Senators: CHIPMAN of Cumberland, HILL of York, Representatives: RECKITT of South Portland, SANBORN of Portland, SPEAR of South Thomaston.

Bill "An Act To Clear a Path to Employment"
S.P. 403 L.D. 1202

Presented by Senator VOLK of Cumberland.
Cosponsored by Representative WARREN of Hallowell and Senator: BRAKEY of Androscoggin, Representative: VACHON of Scarborough.

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 Sustain and Attract Skilled Workers to Maine by Improving the Job Creation Through Educational Opportunity Program"

S.P. 392 L.D. 1171

Presented by Senator CHENETTE of York.
Cosponsored by Representative NADEAU of Winslow and Senators: LIBBY of Androscoggin, MILLETT of Cumberland, Representative: TIPPING of Orono.

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 Ensure the Safety of Low-income Persons Who Are Deaf and Who Use Video and Captioned Phones by Providing Equitable Access to the Internet"

S.P. 397 L.D. 1176

Presented by Senator DION of Cumberland.
Cosponsored by Representative TALBOT ROSS of Portland and Senators: CHENETTE of York, DIAMOND of Cumberland, HILL of York, Representatives: BERRY of Bowdoinham, COOPER of Yarmouth, RILEY of Jay, RYKERSON of Kittery, SANBORN of Portland.

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 Better Understand and Control Invasive Aquatic Plants and Nuisance Species"

S.P. 399 L.D. 1178

Presented by Senator SAVIELLO of Franklin.

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 Reduce Youth Access to Tobacco Products"
S.P. 391 L.D. 1170

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative GUERIN of Glenburn and Senators: DOW of Lincoln, JACKSON of Aroostook, LANGLEY of Hancock, LIBBY of Androscoggin, Representatives: CHACE of Durham, GOLDEN of Lewiston, HYMANSON of York, WARD of Dedham.

Bill "An Act To Create an Appeals Process for Child Care Providers"

S.P. 398 L.D. 1177

Presented by Senator VOLK of Cumberland.
Cosponsored by Representative ESPLING of New Gloucester and Senators: BRAKEY of Androscoggin, CHIPMAN of Cumberland, DION of Cumberland, MAKER of Washington, Representative: PERRY of Calais.

Bill "An Act To Create Fairness in Home-based Care Fees for Service"

S.P. 408 L.D. 1214

Presented by Senator LIBBY of Androscoggin.

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

Sent down for concurrence.

Bill "An Act To Increase Funding for Programs That Support the Mission of the Department of Inland Fisheries and Wildlife"

S.P. 400 L.D. 1179

Presented by Senator SAVIELLO of Franklin.

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 Protect Taxpayers in the Privatization of State Services"

S.P. 407 L.D. 1213

Presented by Senator BELLOWS of Kennebec.
Cosponsored by Senator JACKSON of Aroostook, Representative BLUME of York and Senators: CYRWAY of Kennebec, DESCHAMBAULT of York, KEIM of Oxford, LIBBY of Androscoggin, SAVIELLO of Franklin, Representatives: FECTION of Biddeford, MARTIN of Eagle Lake, MARTIN of Sinclair.

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

Sent down for concurrence.

Bill "An Act To Repeal the Maine Personal Property Tax"
S.P. 393 L.D. 1172

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative WARD of Dedham, Representative FREDETTE of Newport and Senators: CHENETTE of York, KATZ of Kennebec, MASON of Androscoggin, President THIBODEAU of Waldo, Representatives: GUERIN of Glenburn, KINNEY of Knox, PICCHIOTTI of Fairfield.

Bill "An Act To Provide a Definition of 'Primary Residence' for Purposes of Property Tax Abatements Based on Hardship or Poverty"

S.P. 401 L.D. 1180

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Senator: DAVIS of Piscataquis.

Bill "An Act To Amend the Definition of 'Eligible Business Equipment' for the Purposes of the Business Equipment Tax Exemption Program"

S.P. 406 L.D. 1212

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative SPEAR of South Thomaston and Senators: GRATWICK of Penobscot, MIRAMANT of Knox.

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

Sent down for concurrence.

Bill "An Act To Exempt Temporary Categorical Signs from the Identification Label Requirement for 6 Weeks Prior to the June and November Elections"

S.P. 390 L.D. 1169

Presented by Senator COLLINS of York.
Cosponsored by Representative DUNPHY of Old Town and Senators: CUSHING of Penobscot, DIAMOND of Cumberland, KATZ of Kennebec, Representatives: CEBRA of Naples, PARRY of Arundel, STANLEY of Medway, TIPPING of Orono, TURNER of Burlington.

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

Sent down for concurrence.

Bill "An Act To Clarify the Use of Public Money for Bulk Mailing in the Election Process"

S.P. 395 L.D. 1174

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative GUERIN of Glenburn and Senators: COLLINS of York, MASON of Androscoggin, President THIBODEAU of Waldo, Representative: FREDETTE of Newport.

Bill "An Act To Amend the Laws Governing Legislative Political Action Committees"

S.P. 405 L.D. 1211

Presented by Senator CHIPMAN of Cumberland.
Cosponsored by Senators: CHENETTE of York, MAKER of Washington, Representatives: ACKLEY of Monmouth, CASÁS of Rockport, HANINGTON of Lincoln, MONAGHAN of Cape Elizabeth.

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.

ORDERS

Joint Resolution

On motion by Senator DION of Cumberland, the following Joint Resolution:

S.P. 402

STATE OF MAINE
128TH MAINE LEGISLATURE

JOINT RESOLUTION
RECOGNIZING MARCH 2017 AS
BLEEDING DISORDERS AWARENESS MONTH

WHEREAS, bleeding disorders, which are distinguished by the inability to form a proper blood clot, are characterized by extended bleeding after injury, surgery, trauma or menstruation and can lead to significant morbidity and can be fatal if not treated effectively; and

WHEREAS, many individuals with hemophilia became infected with HIV and hepatitis C in the 1980s due to the contamination of the blood supply and blood products; and

WHEREAS, the federal Department of Health and Human Services designated March 2017 as National Bleeding Disorders Month, a designation that formalizes and expands upon the designation 31 years ago of March 1986 as Hemophilia Awareness Month by President Ronald Reagan; and

WHEREAS, Bleeding Disorders Awareness Month will generate greater awareness and understanding of not only hemophilia but all inheritable bleeding disorders, including von Willebrand disease, which alone affects an estimated one percent of the U.S. population or more than 3.2 million individuals; and

WHEREAS, Bleeding Disorders Awareness Month will foster a greater sense of community and shared purpose among individuals with all inheritable bleeding disorders; and

WHEREAS, Bleeding Disorders Awareness Month will elevate awareness of and engagement in the inheritable bleeding disorders journey to the general public, enabling the prevention of illness, unnecessary procedures and disability; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize March as Bleeding Disorders Awareness Month.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, Regarding Legislative Review of Chapter 220: Removal of Provider of Last Resort Service Obligation, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)
H.P. 327 L.D. 461

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

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

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

Resolve **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Repeal the Requirement That Municipalities License Roller-skating Rinks"
H.P. 23 L.D. 22

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.

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Concerning the Property Tax Levy Limit"

H.P. 16 L.D. 15

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

Signed:

Senator:

DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair
BEEBE-CENTER of Rockland
BRYANT of Windham
HOGAN of Old Orchard Beach
MADIGAN of Rumford
SPEAR of South Thomaston

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

Signed:

Senators:

DAVIS of Piscataquis
KEIM of Oxford

Representatives:

GRIGNON of Athens
HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

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

Reports **READ**.

Senator **DAVIS** of Piscataquis moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senator **DESCHAMBAULT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to offer to you that I am opposed to the motion, Ought Not to Pass. The bill addresses the local process to increase the property tax levy limit in the municipalities that use town meetings. Under current law it is required a written ballot is to be used to increase that property limit. This bill eliminates this requirement. I wanted to preface this also by stating that this bill was asked to be presented by the town clerks. The town clerks stated that current law restricts home rule. Most town meetings are conducted by a show of hands, except for this one requirement of a written ballot. Self-determination should be the voting mechanism to be used in any town meeting. No testimony was given in opposition, so, therefore, I ask that any town, it does not eliminate, one town can decide that they will have a written ballot, but it allows the next town to continue the way they conduct business, either by a show of hands or what have you. So it takes away that restriction and that requirement for a written ballot and I'd like to support the town clerks and, again, there was no opposition testimony. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of the motion in front of us. I actually moderate three town meetings in the Franklin County area and probably attended 22 over the course of a year and probably over 200 over the course of 14 years. I will share with you, this is probably one of the most important ballot questions that is in front of those towns because they have an opportunity to have a dialogue. What does it mean? It is complicated to explain, but they still want to understand what it means. They want to understand how the calculations are done and they want to have it as a secret ballot. The reason for it, they may feel that there're some people that they don't want to know how they might vote. They want the privacy of that ballot to exactly offer their opinion as to whether they're increased above the levy limit or not. Also, as I look around the room, I'm afraid my good partner to my left, that's the only time they'll ever be to my left, but my good partner, Senator Davis, and I were here when L.D. 1 was constructed. Some of you may forget the reason it was put into place was some terrible bill called TABOR,

and TABOR II. We, as a Legislature, came together and said to the communities, "Rather than force TABOR down your throats, which you all hate, this is your mechanism to have a vote and make a statement about where you stand on your local ballot." Thank you very much, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#51)

YEAS: Senators: BELLOWS, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BREEN, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

ABSENT: Senator: BRAKEY

EXCUSED: Senator: CARPENTER

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **DAVIS** of Piscataquis to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

Divided Report

Nine members of the Committee on **JUDICIARY** on Bill "An Act To Prevent Bad Faith Assertions of Patent Infringement" H.P. 4 L.D. 2

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senators:
KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:
BRADSTREET of Vassalboro
CARDONE of Bangor
GUERIN of Glenburn
JOHANSEN of Monticello
McCREIGHT of Harpswell
SHERMAN of Hodgdon

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-12)**.

Signed:

Representatives:
BABBIDGE of Kennebunk
BAILEY of Saco
RECKITT of South Portland

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass**.

Signed:

Representative:
MOONEN of Portland

Comes from the House with Report "A" **OUGHT NOT TO PASS READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **KEIM** of Oxford, Report "A" **OUGHT NOT TO PASS ACCEPTED**, in concurrence.

Senate

Ought to Pass As Amended

Senator MASON for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Authorize Auxiliary Licenses at Disc Golf Courses"

S.P. 90 L.D. 304

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-10)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-10) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House As Amended

Bill "An Act Regarding Dancing on the Premises of Certain Liquor Licensees"

H.P. 31 L.D. 30
(C "A" H-11)

Bill "An Act To Improve Officer Safety at Roadside Incidents"

H.P. 128 L.D. 172
(C "A" H-9)

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

Senate As Amended

Bill "An Act To Provide Funding for Costs Associated with Requiring the Licensing of Midwives"

S.P. 49 L.D. 130
(C "A" S-9)

Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2018"

S.P. 157 L.D. 460
(C "A" S-8)

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 Mandate

An Act To Change the Name of Township 17, Range 4, WELS, in the Unorganized Territory to Sinclair

H.P. 25 L.D. 24
(C "A" H-5)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 34 Members of the Senate, with no Senator having voted in the negative, and 34 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.

Ordered sent down forthwith.

Out of order, the Senate considered the following:

ORDERS

Joint Order

On motion by Senator **BRAKEY** of Androscoggin, the following Joint Order:

S.P. 404

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services shall report out, to the Senate, a bill to review the Mental Health Homicide, Suicide and Aggravated Assault Review Board.

READ and **PASSED**.

Sent down for concurrence.

Acts

An Act To Allow Conveyance of Land Previously Conveyed by the State to the Town of Bridgton

H.P. 8 L.D. 7

An Act To Exclude Cardboard Beverage Containers from the Laws Governing Returnable Beverage Containers

S.P. 73 L.D. 227
(C "A" S-4)

An Act Concerning the Law Governing the Posting of Newspaper Legal Notices and the Statewide Repository for Legal Notices

H.P. 243 L.D. 329

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

Ordered sent down forthwith.

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

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (3/2/17) matter:

Bill "An Act To Curb Drug-impaired Driving"
S.P. 269 L.D. 824

Tabled - March 2, 2017, by Senator **COLLINS** of York

Pending - **REFERENCE**

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

On motion by Senator **DION** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/9/17) matter:

Bill "An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act"
S.P. 314 L.D. 958

Tabled - March 9, 2017, by Senator **LIBBY** of Androscoggin

Pending - motion by Senator **BRAKEY** of Androscoggin to **REFER** to the Committee on **HEALTH AND HUMAN SERVICES**

(Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/21/17) matter:

Bill "An Act To Separate the Authorities under the Licenses for Property and Casualty Insurance Adjusters and Workers' Compensation Insurance Adjusters"
S.P. 323 L.D. 984

Tabled - March 21, 2017, by Senator **WHITTEMORE** of Somerset

Pending - **FURTHER CONSIDERATION**

(In Senate, March 14, 2017, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.)

(In House, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE.**)

On motion by Senator **WHITTEMORE** of Somerset, the Senate **INSISTED.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/23/17) matter:

Bill "An Act To Clarify That Involuntary Transfers of Teachers and Municipal Public Employees Are Subject to Collective Bargaining"
H.P. 767 L.D. 1093

Tabled - March 23, 2017, by Senator **LANGLEY** of Hancock

Pending - motion by same Senator to **REFER** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

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

(In House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS.**)

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Funding to Municipalities Severely Infested by Brown-tail Moth Caterpillars"
H.P. 818 L.D. 1181

Bill "An Act Regarding the Disclosure of Hormone-disrupting Chemicals in Packaged Food"
H.P. 819 L.D. 1182

Bill "An Act To Increase Transparency in Cooperative Agreements within the Department of Agriculture, Conservation and Forestry"

H.P. 839 L.D. 1203

Come from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

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

Bill "An Act To Expand Use of Electronic Monitoring in Domestic Violence, Sexual Assault and Stalking Cases"

H.P. 820 L.D. 1183

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

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

Bill "An Act To Exempt Public Safety Buildings from Historic Preservation Restrictions"

H.P. 821 L.D. 1184

Bill "An Act To Increase State Funding to Maine Public Charter Schools"

H.P. 842 L.D. 1206

Bill "An Act To Clarify Collective Bargaining in School Districts"

H.P. 847 L.D. 1215

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.

Resolve, Establishing the Commission To Study and Assess Maine's Regulatory Environment

H.P. 831 L.D. 1194

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

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

Resolve, Directing the Department of Health and Human Services To Develop a Resource Guide for Assistance in Substance Abuse Matters

H.P. 823 L.D. 1186

Bill "An Act To Facilitate MaineCare-Funded Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes"

H.P. 825 L.D. 1188

Bill "An Act To Define the Age of Consent for Alcohol or Drug Treatment and Mental Health Services"

H.P. 826 L.D. 1189

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

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

Bill "An Act To Promote Fiscal Responsibility in the Purchasing of Debt"

H.P. 836 L.D. 1199

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

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

Bill "An Act Regarding Driver's License Suspensions for Nondriving-related Violations"

H.P. 827 L.D. 1190

Bill "An Act To Clarify the Law Regarding Arbitration Privacy with Respect to Executive and Legislative Branch Employees"

H.P. 848 L.D. 1216

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

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

Bill "An Act Relating To the Licensure of Physicians and Surgeons"

H.P. 837 L.D. 1200

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 Support Substance Use Disorder Prevention, Treatment and Recovery"

H.P. 834 L.D. 1197

Bill "An Act To Reserve for County Government One Percent of the Excise Tax Revenue from the Sale of Retail Marijuana"
H.P. 845 L.D. 1209

Come from the House, **REFERRED** to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** and ordered printed.

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

Bill "An Act To Make Technical Changes to Maine's Marine Resources Laws"

H.P. 843 L.D. 1207

Comes 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 Extend to One Year the Probationary Period for Certain Municipal Employee Positions"

H.P. 828 L.D. 1191

Bill "An Act To Require Maine Governmental Departments That Affect Citizen Health and Safety To Staff at Least 75 Percent of Available Positions"

H.P. 829 L.D. 1192

Bill "An Act To Ensure the Cost-efficiency of Contracting out Services by the State"

H.P. 830 L.D. 1193

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **DAVIS** of Piscataquis, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Bill "An Act To Allow Municipalities To Opt Out of the Collection and Assessment of Personal Property Taxes"

H.P. 832 L.D. 1195

Bill "An Act To Assist Seniors and Certain Persons with Disabilities in Paying Property Taxes"

H.P. 833 L.D. 1196

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 Authorize Tribal Gaming"

H.P. 838 L.D. 1201

Bill "An Act Regarding Absentee Voting by Residents of Nursing Homes and Other Residential Care Facilities"

H.P. 840 L.D. 1204

Bill "An Act To Amend the Veterans Service Laws"

H.P. 844 L.D. 1208

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

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

**Pursuant to Statute
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Late-filed Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)
H.P. 841 L.D. 1205

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statute
Commission on Governmental Ethics and Election Practices**

The **Commission on Governmental Ethics and Election Practices**, pursuant to the Maine Revised Statutes, Title 21-A, section 1124, subsection 4 asked leave to report that the accompanying Bill "An Act Regarding the Maine Clean Election Fund"

H.P. 846 L.D. 1210

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

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

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** 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

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Thursday, March 30, 2017 at 10:00 in the morning.