

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
April 20, 2017

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

Prayer by Reverend Sarah Gillespie, St. Mary's d'Youville
Pavilion of Lewiston.

REVEREND GILLESPIE: Holy One, whom we call by many
names, we come together this morning with a common purpose,
to serve all people of this great State with compassion and
respect and dignity. We give thanks this day for the blessings in
our midst, our health and our bodies which allow us to be here,
our diverse families and faith traditions which sustain us and
guide us in our work, our ability to listen to one another openly
and peacefully. We lift up today those in our communities who
are vulnerable, poor, forgotten, mistreated, and we know there
are times when we miss the mark. Help re-center us today to live
the lives of service to which all people are called. May we receive
wisdom and courage to take the next steps on our path to peace
and liberty. Grant us humble hearts and open minds to meet the
challenges of this day. God of love and mercy, continue to make
this place a place of hope and justice for all people. Amen.

Pledge of Allegiance led by Senator Ronald F. Collins of York
County.

Reading of the Journal of Wednesday, April 19, 2017.

Doctor of the day, Jessica Richmond, M.D. of Sebec.

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. 522

Ordered, the House concurring, that when the Senate and House
adjourn, they do so until Tuesday, April 25, 2017 at 10:00 in the
morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1024

**JOINT RESOLUTION
RECOGNIZING APRIL 2017 AS
FOSTERING FINANCIAL EDUCATION MONTH**

WHEREAS, financial education is essential to ensuring that
students, young adults and families are prepared to effectively
budget, manage, save and invest their money; and

WHEREAS, the Maine Jump\$tart Coalition for Personal
Financial Literacy, a past recipient of the prestigious State
Coalition of the Year Award from the National Jump\$tart Coalition
for its initiatives, efforts and support of personal financial
education in Maine, has demonstrated leadership in expanding
financial education learning opportunities and outreach for
students and educators through free webinars, classroom
presentations, programs and other creative initiatives in order to
provide a better understanding of personal finance in Maine
schools; and

WHEREAS, the 8th annual Fostering Financial Education in
Maine Schools Conference, to be held April 28, 2017 at the
Augusta Civic Center, provides training and financial education
resources to help include financial literacy instruction in the
school experience for K-12 students and young adults; and

WHEREAS, over the past 7 years the conference has
enabled nearly 1,000 teachers and community educators to offer
financial literacy instruction and materials to students and young
adults in every region of the State; and

WHEREAS, the conference and other related events and
programs are a collaboration of business, government, nonprofit
and financial education organizations working together as the
Maine Jump\$tart Coalition for Personal Financial Literacy,
including the Office of Securities within the Department of
Professional and Financial Regulation, the Finance Authority of
Maine, the Maine Credit Union League, Maine's credit unions, the
Maine Bankers Association and Maine's banks; 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 April 2017 as Fostering Financial
Education Month in order to raise awareness about the Fostering
Financial Education in Maine Schools Conference and to
emphasize the importance of helping and encouraging Maine's
young people to become financially capable adults so that they
may fulfill their dreams and aspirations, and we urge all citizens to
participate in educating students to become financially capable.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 317

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

April 18, 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. Richard A. Nass of Acton for reappointment to the Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1, MRSA §1002, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 318

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

April 19, 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 Truman Slocum of Phippsburg for appointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P&SL 1975, Chapter 771 §428, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

The Following Communication: S.C. 314

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

April 14, 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 Judiciary has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- | | |
|----------|--|
| L.D. 63 | An Act To Ensure Complete Investigations by Guardians Ad Litem |
| L.D. 362 | An Act To Allow Relative Caregivers Standing in Court |
| L.D. 363 | An Act To Make a Child Living with a Custodial Relative Caregiver Eligible for State-paid Legal Services |
| L.D. 536 | An Act To Protect Homeowners from Debt Collectors |

This is notification of the Committee's action.

Sincerely,

S/Sen. Lisa Keim
Senate Chair

S/Rep. Matthew W. Moonen
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 315

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

April 13, 2017

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

Senate at Ease.

The Senate was called to order by the President.

Dear President Thibodeau and Speaker Gideon:

Off Record Remarks

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

SENATE PAPERS

- L.D. 26 An Act To Lower the Maine Motor Vehicle Excise Tax
- L.D. 74 An Act To Realign the State-Municipal Revenue Sharing Distribution
- L.D. 77 An Act To Exempt from Maine Income Tax Income Earned by Members of the Armed Services While on Active Duty
- L.D. 368 An Act To Welcome Statewide Economic Investment
- L.D. 492 An Act To Restore Revenue Sharing
- L.D. 707 An Act To Base the Motor Vehicle Excise Tax on the Purchase Price of the Motor Vehicle
- L.D. 779 An Act To Allow Aroostook County To Create Tax Increment Financing Districts
- L.D. 875 An Act To Reduce Property Taxes
- L.D. 887 An Act To Provide Relief to Maine Property Tax Payers
- L.D. 904 An Act To Require the County Commissioners To Adjust the Assessed Value of a Municipality When They Grant an Abatement Request
- L.D. 1071 An Act To Modify the Tax Increment Financing Laws

Bill "An Act To Modernize Data Collection and Reporting and Information Access for the Department of Labor"
S.P. 525 L.D. 1500

Presented by Senator VOLK of Cumberland.
Cosponsored by Representative VACHON of Scarborough and Senator: LANGLEY of Hancock, Representatives: AUSTIN of Gray, BATES of Westbrook, FECTION of Biddeford, LOCKMAN of Amherst, MASTRACCIO of Sanford, STETKIS of Canaan. Submitted by the Department of Labor pursuant to Joint Rule 204.

Bill "An Act To Increase Success and Promote Growth among Maine Small Businesses"
S.P. 526 L.D. 1501

Presented by Senator VITELLI of Sagadahoc.
Cosponsored by Representative PIERCE of Dresden and Senators: JACKSON of Aroostook, WHITEMORE of Somerset, Representatives: MASTRACCIO of Sanford, RECKITT of South Portland, STANLEY of Medway, TEPLER of Topsham.

Bill "An Act To Amend Criteria for Issuing a Certificate of Approval for Certain Projects under the Finance Authority of Maine Act" (EMERGENCY)
S.P. 528 L.D. 1503

Presented by Senator VOLK of Cumberland.
Submitted by the Finance Authority of Maine pursuant to Joint Rule 204.

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

Sent down for concurrence.

This is notification of the Committee's action.

Sincerely,

S/Sen. Dana L. Dow
Senate Chair

S/Rep. Ryan Tipping
House Chair

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

Bill "An Act To Better Regulate Marijuana"
S.P. 524 L.D. 1499

Presented by Senator JACKSON of Aroostook.
Cosponsored by Senators: DESCHAMBAULT of York, DILL of Penobscot.

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

Sent down for concurrence.

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

Bill "An Act To Transfer Responsibility for Licensing of Land-based Aquaculture from the Department of Marine Resources to the Department of Agriculture, Conservation and Forestry"
S.P. 527 L.D. 1502

Presented by Senator LANGLEY of Hancock. (GOVERNOR'S BILL)
Cosponsored by Senator: VITELLI of Sagadahoc.

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

Sent down for concurrence.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Aaron L. Young, of Sidney, a member of Boy Scout Troop No. 401, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Boy Scouting and is given for excellence in skills development, leadership, personal growth and community service. For his Eagle Scout project, Aaron coordinated the reconstruction of the baseball field and the installation of a new backstop at the James H. Bean School in Sidney. We extend our congratulations to Aaron on this achievement;

SLS 200

Sponsored by Senator KATZ of Kennebec.
Cosponsored by Representative: PERKINS of Oakland.

READ.

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

Senator **KATZ:** Thank you, Mr. President. Mr. President and members of the Senate, it's my pleasure to rise today to recognize Aaron Young of Sidney. We all have constituents who have achieved the role of Eagle Scout, but we know how unusual that honor is. In fact, there's only one member of this Body who has achieved that ranking. That's the good Senator from Franklin, Senator Saviello. Aaron Young of Troop 401 in Sidney has achieved this honor. For his Eagle Scout project, Mr. President, Aaron coordinated the reconstruction of a baseball field and the installation of a new backstop at the James Bean School in Sidney. He's a fine young man. He's coming from a wonderful family. I believe his parents, Mike and Jen, are here today with him and our congratulations to Aaron for this high

distinction which so few people achieve. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Aaron Young and his parents. Would they please rise and accept the greetings of the State Senate.

Off Record Remarks

Jeffrey Lacroix, of Auburn, Administrator for the Rumford Community Home, who has received the Eli Pick Facility Leadership Award from the American College of Health Care Administrators for his leadership of a high-performing skilled nursing facility. We extend to Mr. Lacroix our congratulations and best wishes;

SLS 201

Sponsored by Senator BRAKEY of Androscoggin.
Cosponsored by Senator: KEIM of Oxford, Representatives: BICKFORD of Auburn, MADIGAN of Rumford, MELARAGNO of Auburn, SHEATS of Auburn.

READ.

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

Senator **BRAKEY:** Thank you, Mr. President and members of the Senate. I'm proud to speak this morning on behalf of Jeffrey Lacroix of Auburn. Jeff recently received the Eli Pick Award for high quality care from the American College of Health Care Administrators, an award given to only one administrator in the entire country. Jeff graduated from Husson University in 2008 with a bachelor of health science. He became a multi-level administrator with Central Maine Health Care in 2012, where he began at Rumford Community Home. He has been a member of Rotary International in Rumford since 2014, as well as a member of the Board of Directors for Androscoggin Home Care and Hospice. Jeff is also the Maine Chapter President for the ACHA. Jeff has worked extremely hard in his field and he is well deserving of this recognition. It is my pleasure to congratulate him in front of this Body today. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the back of the Chamber Jeffrey Lacroix of Auburn. He's the guest of the Senator from Androscoggin, Senator Brakey. Would he please stand and accept the greetings of the State Senate.

Naomi Zarin, of Gray, an eighth-grade student at Friends School of Portland, who won the Cumberland County Spelling Bee. This is Naomi's second consecutive victory in this event. We extend to Naomi our congratulations and best wishes;

SLS 202

Sponsored by Senator BREEN of Cumberland.

Cosponsored by Representatives: AUSTIN of Gray, DENNO of Cumberland.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Breen.

Senator **BREEN:** Thank you, Mr. President. It's my great honor today to welcome Naomi Zarin of the Town of Gray. She's an eighth grader at the Friends School of Portland, which is actually located in the Town of Cumberland, and this is the second consecutive year she's won the Cumberland County Spelling Bee, but, more importantly, since that time she is the Maine State Spelling Bee Champion from the Town of Gray. After 42 rounds in the Maine State Spelling Bee, she won with the word "copal" and I encourage you all to figure out what that word means because I just had to look it up. Over Memorial Day weekend Naomi will make her first appearance in the Scripps National Spelling Bee in Washington D.C., representing the great State of Maine. This will be her first trip to our nation's capital. Mr. President, I'm quite sure that I speak for you and the other distinguished members of the Maine Senate when I wish Naomi the very best in Washington and the very best in the spelling bee representing the State of Maine. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Naomi Zarin. Would she please rise and accept the greetings of the State Senate.

Wyman's of Maine, headquartered in Milbridge, which received a 2016 Governor's Award for Environmental Excellence in the large-business category. We extend to everyone at Wyman's of Maine our congratulations and best wishes;

SLS 203

Sponsored by Senator MAKER of Washington.

Cosponsored by Representative: ALLEY of Beals.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Maker.

Senator **MAKER:** Thank you, Mr. President. Good morning, ladies and gentlemen of the Senate. I am pleased to be able to recognize Wyman's of Maine on receiving a 2016 Governor's Award for Environmental Excellence. With us today, representing Wyman's, are Homer Woodward, Vice President of Operations,

and Adam West, the Manufacturing Manager. Wyman's of Maine is headquartered in Milbridge, but also has facilities in Cherryfield, Deblois, and on Prince Edward Island. Having been founded in 1874, the company has a long and rich history with Downeast Maine, employing many of our own. Wyman's has set a high priority on sustainable agriculture and environmental stewardship. They were chosen to receive this prestigious award by the Governor's Office because they made a conscience effort over the last several years to evaluate and reduce their energy and water use and to limit the pollutant discharges to the Narraguagus River. Additionally, internal facility practices, system upgrades, and system changes were made throughout Wyman's processing center to limit water use and reduce or eliminate solid discharge. Their commitment to sustainable practices and environmental excellence, I believe, has played a key role in their success. We have some great businesses in Maine and Wyman's is certainly one of them. I am so glad Homer and Adam were able to join us today, all the way from Washington County. Congratulations to them on this terrific achievement.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I, too, rise to add my congratulations to this prestigious award for Wyman's. I do so because I've had a 30 year relationship with this company. When people give us high marks for our blueberry pie it's because it's Wyman's blueberries that are inside those crusts. Over those 30 years I found them to be a really dedicated company, not only to promoting blueberries but promoting Maine all across the world. I've had the pleasure of meeting their clients over those 30 years. They come from all over the world. A lot of those folks come from Asia. What's interesting about how their clients operate, their Japanese customers, for example, will send quality control people to come during the harvest to stand there in the fields and watch the stuff be processed, packaged, and shipped. Their demand for the highest of quality, for me, is just another endorsement of their product. All the way around, this is a great company so I'd add my congratulations to those of the good Senator from Washington County.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Homer Woodward and Adam West of Wyman's of Maine. Would they please stand and accept the greetings of the State Senate.

Off Record Remarks

Joint Resolution

On motion by Senator **BRAKEY** of Androscoggin (Cosponsored by Senators: **BELLOWS** of Kennebec, **MAKER** of Washington, **VOLK** of Cumberland), the following Joint Resolution:
S.P. 523

STATE OF MAINE
128TH MAINE LEGISLATURE

JOINT RESOLUTION
RECOGNIZING APRIL 2017 AS SECOND CHANCE MONTH

WHEREAS, every person is endowed with human dignity and value; and

WHEREAS, redemption and second chances are American values; and

WHEREAS, an estimated 65 million American citizens have a criminal record; and

WHEREAS, individuals returning from prison and those who have paid their debts after committing a crime face a "second prison" of stigma and obstacles, also known as collateral consequences; and

WHEREAS, individuals with criminal histories encounter significant barriers such as an inability to find housing, employment or education, regain voting rights, volunteer in their communities, secure identification documentation and pay off substantial financial debt accrued as a result of conviction and incarceration; and

WHEREAS, these barriers can contribute to recidivism, which increases victimization, decreases public safety and results in lost human capital and economic output for communities; and

WHEREAS, the designation of April as Second Chance Month can contribute to increased public awareness about the "second prison," the need for closure for those who have paid their debts and opportunities for individuals, employers, congregations and communities to extend second chances; 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 April 2017 as Second Chance Month, and we urge citizens to observe this month through actions and programs that promote awareness of the "second prison" and provide closure for those who have paid their debts.

READ and **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend Maine's Fish and Wildlife Licensing Laws"
H.P. 394 L.D. 552

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.

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Improve Enforcement of Snowmobile Noise Levels"
H.P. 346 L.D. 483

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-48)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-48)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-48) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Ensure Resiliency of the Maine Electrical Grid"
H.P. 373 L.D. 529

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-45)**.

Signed:

Senators:
WOODSOME of York
DION of Cumberland

Representatives:

BERRY of Bowdoinham
COOPER of Yarmouth
DeCHANT of Bath
RILEY of Jay
RYKERSON of Kittery
SANBORN of Portland

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

Signed:

Senator:

CUSHING of Penobscot

Representatives:

HANLEY of Pittston
HARVELL of Farmington
O'CONNOR of Berwick
WADSWORTH of Hiram

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-45)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-45) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reimburse Nursing Homes for the Loss of Coinsurance and Deductibles for Skilled Nursing Beds under Rules Adopted by the Department of Health and Human Services"

H.P. 21 L.D. 20

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-39)**.

Signed:

Senators:

BRAKEY of Androscoggin
CHIPMAN of Cumberland

Representatives:

HYMANSON of York
DENNO of Cumberland
HAMANN of South Portland
HEAD of Bethel
MADIGAN of Waterville
MALABY of Hancock
PARKER of South Berwick
PERRY of Calais
SANDERSON of Chelsea

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

Signed:

Representative:

CHACE of Durham

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-39)**.

Reports **READ**.

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **CHIPMAN** of Cumberland, 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 (#81)

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

NAYS: Senators: None

EXCUSED: Senator: CARPENTER

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-39) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Incentivize Legislative Carpooling"

H.P. 451 L.D. 635

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

DAVIS of Piscataquis
KEIM of Oxford

Representatives:

MARTIN of Sinclair
BEEBE-CENTER of Rockland
BRYANT of Windham
GRIGNON of Athens
HARRINGTON of Sanford
HOGAN of Old Orchard Beach
MADIGAN of Rumford
ORDWAY of Standish
PICKETT of Dixfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-32)**.

Signed:

Senator:

DESCHAMBAULT of York

Representative:

SPEAR of South Thomaston

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

Reports **READ**.

On motion by Senator **DAVIS** of Piscataquis, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

Seven members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase the State Share of the Cost of Health Insurance for Retired Teachers" (EMERGENCY)

H.P. 370 L.D. 526

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-41)**.

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
McCREA of Fort Fairfield
PIERCE of Falmouth

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Representatives:

GINZLER of Bridgton
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-42)**.

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-41)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-41)**.

Reports **READ**.

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-42)**, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "**C**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-42)**, in **NON-CONCURRENCE**.

Senate

Ought to Pass

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Domestic Violence and Setting Preconviction Bail"

S.P. 172 L.D. 511

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

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator COLLINS for the Committee on **TRANSPORTATION** on Bill "An Act To Allow Stepparents To Sign the Application for a Driver's License for a Minor"

S.P. 332 L.D. 1025

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

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Carry Out the Will of the People of the State of Maine by Ensuring the Issuance of Bonds To Support the Independence of Maine's Seniors" (EMERGENCY)

S.P. 278 L.D. 832

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-33)**.

Signed:

Senators:

BREEN of Cumberland
KATZ of Kennebec

Representatives:

GATTINE of Westbrook
FREY of Bangor
HUBBELL of Bar Harbor
JORGENSEN of Portland
MARTIN of Eagle Lake
TEPLER of Topsham

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

SEAVEY of Kennebunkport
SIROCKI of Scarborough
TIMBERLAKE of Turner
WINSOR of Norway

Reports **READ**.

Senator **HAMPER** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Breen.

Senator **BREEN:** Thank you, Mr. President. Mr. President and ladies and gentlemen of the Senate, I rise today to speak in opposition to the current motion. This is a very, very tightly drafted bill that simply moves forward the will of the voters. This is about the senior housing bond and this Body approved the bond in the last Legislature. The voters approved the bond at the ballot. It's important to me that we follow the will of the voters. Thank you, Mr. President.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I also rise in opposition to the pending motion. I think the principle here is really pretty simple. When Maine voters have approved State borrowing at the ballot box no one, including a Chief Executive, should have the right to veto that decision. That's it. I could sit down right now, Mr. President. If you agree with this principle than that should be the end of this. Talking about bonds, as you know, the Maine Constitution is clear. The people do not entrust major borrowing decisions to the Legislature, to the Chief Executive, or to the Judicial Branch. That power is reserved only to the people. For major borrowing through bonds the Legislature must first approve a ballot question by two-thirds vote and then survive any potential Chief Executive veto. Then and only then the question goes on the ballot and the people from Kittery to Fort Kent decide. If the people say no, we don't borrow the money. If the people say yes, we borrow the

money. Under Article IX, section 14, of the Constitution bonds are issued within 5 years of the date of voter approval, although the Legislature can extend that for an additional two years. It's pretty clear and easy to understand, and that's the way it's worked for almost 200 years.

Again, let me be crystal clear, the Chief Executive has no role whatsoever assigned to him regarding the issuance of bonds in the Maine Constitution. None. So why are we here today? Maine Law, 5 MSRA, section 145, which we passed, mandates that bonds, "Must bear the facsimile of the signature of the Governor and must be signed by the Treasurer of the State or the Treasurer of State's Deputy and attested by the Commissioner of Administrative and Financial Services or such agent as the Commissioner may designate." So the Chief Executive must sign the bonds, or at least they must bear his or her facsimile signature, but, Mr. President, let me suggest this is simply a ministerial act, not a discretionary one. Let me suggest an analogy. When a bill is passed for enactment in this Senate you, Mr. President, signs a document confirming its enactment. You really don't have any choice. Even if you did not vote for the bill and think it is the worst piece of legislation of the century, you sign it and your signature is simply what we call ministerial. The requirement that bonds must bear the signature of the Chief Executive fits into exactly the same category. As far as our own research can determine, no previous Chief Executive ever attempted to hold up the issuance of voter approved bonds by refusing to sign them, at least until this Chief Executive did so with respect to the Lands for Maine's Future Bonds a couple of years ago, an issue which was eventually resolved.

So here we are again. This time we're dealing with the Senior Housing Bond. Two years ago we overwhelmingly approved a \$15 million bond issue for senior housing with \$14.5 million for new energy efficient homes and \$500,000 for home repairs and weatherization programs. The Chief Executive vetoed that, if you recall, and we overcame the veto. Then, according to the Constitution, it went out to the voters. Sixty-nine percent of the voters, including a significant majority in every county of the State, approved the bond issue. State officials have confirmed that the sale of the bonds will not affect the State's credit rating. The program will be administered by the Maine Housing Authority, which is ready to go. This is a good program, but whether you agree with the Senior Housing Bond or not really misses the point, by my perspective. That point could not be more clear, the people have spoken.

So what does this bill do? It makes it clear that once the people have spoken at the ballot box and approved the borrowing that the Chief Executive must issue these Senior Housing Bonds and his signature is not required on the bonds themselves. This bill provides for the Treasurer to do that and gives the Treasurer discretion to hold up on the bonds, hold the bonds up, under specific circumstances set out in the Statutes; such as it would affect the credit rating of the State or interest rates are about to go down and we should wait, or certain other circumstances. This bill, Mr. President, has been crafted in consultation both with the Treasurer's Office and the Attorney General's Office. Mr. President, we have a Republican Senate, a Democratic House, and a Republican Chief Executive. I really don't see how this bill should be viewed in that context at all. This is a bi-partisan bill. It's a good government bill. It's supported by people on both sides of the aisle. Again, the principle is when the people have spoken on bonds we need to respect that will. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise to speak in support of this motion. The beauty of this institution, Mr. President, is richness of opinion and ideas that are brought here. I have great respect for my colleague, the Senator from Kennebec, and the logic that he brings to this floor many times. While I respect the intent of what he is doing, I must say that I have some different opinions in regards to the philosophy around this bill. While I respect and understand the authority of the people to vote on indebtedness of the State, it does not obligate us to issue those bonds at a specific time or in a specific amount. That discretion is left to others under our Constitution. I respectfully ask the Body to consider this as they move forward in voting. I appreciate the chance to speak to this matter.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Hamper, to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#82)

YEAS: Senators: BRAKEY, CUSHING, CYRWAY, HAMPER, KEIM, MASON, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, COLLINS, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WOODSOME

EXCUSED: Senator: CARPENTER

8 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HAMPER** of Oxford to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Senate Amendment "A" (S-33) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Lower the Age Requirement To Carry a Concealed Handgun"

S.P. 24 L.D. 44

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
GROHMAN of Biddeford
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
RECKITT of South Portland
TALBOT ROSS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

GERRISH of Lebanon

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing the Sex Offender Registry"

S.P. 57 L.D. 138

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-37)**.

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
GROHMAN of Biddeford
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland

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

Signed:

Representative:

WARREN of Hallowell

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-37) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Promote Physical Activity for Schoolchildren"

S.P. 119 L.D. 378

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington

Representatives:

KORNFIELD of Bangor
GINZLER of Bridgton
McCREA of Fort Fairfield
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
PIERCE of Falmouth

Reports **READ**.

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Millett.

Senator **MILLETT**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the motion before us. In the 1950s a study showed that 58% of American participants failed a physical fitness test that only 8% of their European counterparts failed. Policy makers began to worry. When President Eisenhower learned of these results he began the President's Council on Youth Fitness. Thirty years after Eisenhower, in response to our country's worsening physical fitness problem, President Reagan expanded the Council and created the President's Challenge Fitness Test. Today we are still dealing with the same issues, plus an increasingly sedentary lifestyle, and we know better the mental and physical health implications of poor physical fitness. I fondly remember recess, as probably you do too, with endless rounds of kick ball, jump rope, and, my favorite, monkey bars. Today, however, far too many of our children do not get regular, meaningful time for physical activity, and we have seen the results. More of our young children, and especially boys, are being sent to Principal's Offices or being prescribed medication for hyperactivity and they are losing ground in their academic achievements. Our nation's focus on high educational standards, accountability, and academic achievement in our schools has helped advance the demise of our children's access to physical activity. Ironically, this negatively impacts their academic achievement. We have intuitively known that it's important to stay fit, keep moving, and engage in physical activities. As adults, we feel refreshed, recharged, and reinvigorated after taking a walk, getting some fresh air, taking a break. Now, with the advances in brain science, we actually can see the effects of physical activity on our bodies and our brains. According to the CDC, physical activity affects the brain in the following ways. It affects our cognitive skills and motor skills by developing through a dynamic interaction. Research has shown that physical movement can affect the brain's physiology by increasing cerebral capillary growth, blood flow, oxygenation, production of neurotrophins, growth of nerve cells in the hippocampus, neurotransmitter levels, development of nerve connections, and density of neuro network brain tissue volume. The science is there. These physiological changes can be associated with improved attention; improved information processing, storage and retrieval; enhanced coping; enhanced positive effect.

From our nation's military leaders to our teachers, there is deep concern that we are not appropriately supporting a critical

aspect of our children's lives and health. Just earlier this session we heard from Maine Army National Guard Adjutant General Brigadier General Doug Farnham and his concern that 70% of Mainers of recruitment age are unfit serving under him, particularly due to poor physical fitness. A 2015-16 National Education Association resolution states the National Education Association believes that regular physical activity provides an active form of learning that encourages a healthy lifestyle and promotes physical, mental, and emotional wellness. This physical activity should be provided through physical education classes, recess, and movement activities scheduled throughout the day. That is from our nation's teachers. The Association also believes that recess allows students to develop interpersonal and problem solving skills. By the way, these are skills that the Chamber of Commerce and our businesses have said their potential employees are lacking. That is not a substitute for comprehensive physical education programs. Mission Readiness, an organization of more than 600 retired Admirals, Generals, and other top military leaders, is taking aim at this issue as well. They state that healthy habits start in childhood and schools can play an important role in providing opportunities for physical activity. By adolescence 31% of our youth are already overweight or obese, yet both physical education and recess have declined in schools over the past decade and more than two-thirds of children get less than 20 minutes of vigorous exercise daily. Mission Readiness supports three strategies to increase physical activity in schools: high quality physical education, in-class physical activity break, and structured recess.

Mr. President, ladies and gentlemen of the Senate, we, as elected officials, need to do our part to address this issue just as we have in other areas such as bullying, suicide prevention, and access to healthier foods. I hope you will join me in opposing this motion so that we can start writing a happier chapter in the distressing history of American physical fitness over the last several decades. Thank you, Mr. President.

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

Senator **SAVIELLO**: Thank you, Mr. President. Mr. President, may I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **SAVIELLO**: Thank you, Mr. President. Can a school district already, on their own, implement this kind of physical activity?

THE PRESIDENT: The Senator from Franklin, Senator Saviello, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY**: Thank you, Mr. President. Men and women of the Senate, the short answer to the good Senator from Franklin is yes, but I'd also like to rise and ask for your support in the Ought Not to Pass Report. My good colleague from Cumberland, Senator Millett, is absolutely right. Every last thing she told you today is 100% correct and there will be short quiz tomorrow on all those points when we come back. She's absolutely right. I would agree with up to the point of where we legislatively mandate this for our school systems. When we met with our county Teachers

of the Year, the ones that could make it down here, there was one in particular who asked us not to do this, not to pass this legislation, because they're doing their very best to try to incorporate into their day as much physical activity they can, whether it be in the classroom, in classroom activities, or whether it be out on the playground. They also implored upon us that they use recess, recess is used, as a management tool. Sometimes they have to be able to speak to a child while everybody goes out to play and if that were to violate 30 minutes a day it would cause a lot of difficulty in their work and their day. It is true that school districts that want to take this up can do this and we firmly believe, I believe, that it's a local issue and school boards, having heard maybe the same presentation, would consider doing something different than they do now. So, folks, I would ask you to support the Ought Not to Pass Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Breen.

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, I would just like to remind you that the Ought Not to Pass Report and the bill contains a very small mandate of 30 minutes a day, and other than that it's completely up to local school districts, local administrations, local school boards, the community, the teachers, and all of the local folks to figure out how, where, what, what that 30 minutes looks like. So even though we are mandating 30 minutes, we are cognizant of how particular districts and communities know their communities and their school communities best. That's why this local control component is built into the bill. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley, to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#83)

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

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

EXCUSED: Senator: CARPENTER

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Require the Use of Personal Flotation Devices in Canoes"

S.P. 108 L.D. 342

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

CYRWAY of Kennebec
CARPENTER of Aroostook
WOODSOME of York

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
LYFORD of Eddington
MASON of Lisbon
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford
THERIAULT of China
WOOD of Greene

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-32)**.

Signed:

Representative:

HARLOW of Portland

Reports **READ**.

On motion by Senator **CYRWAY** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Repeal the Laws Governing Truck Camper Registration"

S.P. 273 L.D. 827

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

Signed:

Senators:

COLLINS of York
MIRAMANT of Knox
ROSEN of Hancock

Representatives:

McLEAN of Gorham
AUSTIN of Skowhegan
BRYANT of Windham
CEBRA of Naples
GRANT of Gardiner
PARRY of Arundel
PERKINS of Oakland
SCHNECK of Bangor
SHEATS of Auburn

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

Signed:

Representative:

GILLWAY of Searsport

Reports **READ**.

On motion by Senator **COLLINS** of York, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senator **KATZ**: Thank you, Mr. President. Men and women of the Senate, Aaron Young of Sidney, like all of you are familiar with since we discussed him earlier today, has just received the award as an Eagle Scout for his hard work all the way through Scouting and for his project reconstructing the baseball field and installing the new backstop at the James Bean School in Sidney. Aaron is one of those unusual young men who is able to achieve this honor. We all expect great things from him in the future. I'm pleased he's here with his parents, Mike and Jen Young of Sidney. I just wanted to have a chance to brag about him a little bit to my colleagues. Thank you, Mr. President.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber two Eagle Scout recipients, both Aaron Young and Matthew Cote. They are the guests today of the Senator from Kennebec, Senator Katz, as well as their parents, Don and Karen Cote, and Mike and Jen Young. Would these folks please rise and accept the congratulations of the State Senate.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Use State Employees and Resources for Transportation Bond Projects"

S.P. 316 L.D. 960

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-36)**.

Signed:

Senator:

MIRAMANT of Knox

Representatives:

McLEAN of Gorham
AUSTIN of Skowhegan
BRYANT of Windham
GRANT of Gardiner
SCHNECK of Bangor
SHEATS of Auburn

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

Signed:

Senators:

COLLINS of York
ROSEN of Hancock

Representatives:

CEBRA of Naples
GILLWAY of Searsport
PARRY of Arundel
PERKINS of Oakland

Reports **READ**.

Senator **COLLINS** of York moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT**: Thank you, Mr. President. Men and women of the Senate, I brought this bill forward and during the hearings I hoped to learn some more about what was going on about using outside engineers. One of the big things I learned was that, by coming up with about \$160 million a year short in our infrastructure needs, it puts everything into bonds and when we use bonds we end up using outside engineering firms to do our engineering. There's a perception that we have to do this. It turns out that the prep work, based on the project, does not need to be outsourced and several lawyers reviewed it and said that there were ways to use our own DOT engineers and to save 50% at least on doing that because any outside engineering is at least

double what it costs us to have our engineers. So the projects usually benefit from local knowledge being State of Maine knowledge and that made it even more clear, and the way that that has been addressed is that the outside engineering firms hire away all our engineers. So there's a couple of things we need to do and by passing a bill like this, and requiring more use of our own people, we will save the State a lot of money. By changing from bonding, we will too, and we're working on that. So I would like to see us not move the Ought Not to Pass and give a chance for the Ought to Pass and try to save our taxpayer dollars. Again, I keep trying to find ways and I will keep trying to find ways. Thanks very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Collins, to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#84)

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

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

EXCUSED: Senator: CARPENTER

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **COLLINS** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Making Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2017" (EMERGENCY)

S.P. 341 L.D. 1034

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-34)**.

Signed:

Senator:

MIRAMANT of Knox

Representatives:

McLEAN of Gorham
AUSTIN of Skowhegan
BRYANT of Windham
CEBRA of Naples
GRANT of Gardiner
SCHNECK of Bangor
SHEATS of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-35)**.

Signed:

Senators:

COLLINS of York
ROSEN of Hancock

Representatives:

GILLWAY of Searsport
PARRY of Arundel
PERKINS of Oakland

Reports **READ**.

Senator **COLLINS** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-35)** Report.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **COLLINS** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-35)** Report.

Divided Report

Six Members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require Certification under the United States Environmental Protection Agency's Lead Renovation, Repair and Painting Rule" S.P. 143 L.D. 441

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-38)**

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford
BATES of Westbrook
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland

Six Members of the same Committee on the same subject reported in Report "**B**" that the same **Ought Not to Pass**.

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
VACHON of Scarborough

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** Report "**B**" **OUGHT NOT TO PASS**.

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

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Libby.

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. The legislation before us, that we're discussing, would require contractors who are working on homes with potential lead hazards to undergo a very simple, straight forward, certification process, as required by federal rule. In Maine, about 15% of contractors who work on these projects are certified. That's a pretty poor number of folks who have gone through the federal certification. In my view, Mr. President, it's pretty shameful that nearly 40 years after the USEPA determined that lead paint represents a significant hazard to public health, particularly in children, that Maine still has the highest rates of lead poisoning in the country. Lead poisoning causes permanent and irreversible cognitive impairment, impacting a child's ability to reach their full potential in school and in work. Mr. President, I feel it's incumbent on us to bring State resources to bear in enforcing safe lead abatement and lead paint handling. I'd ask the Body to reject the pending motion so that we can get to the other report. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk, to Accept Report "B" Ought Not to Pass. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#85)

YEAS: Senators: BRAKEY, COLLINS, CYRWAY, DAVIS, DOW, HAMPER, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, VOLK, WHITEMORE, WOODSOME, PRESIDENT THIBODEAU

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

EXCUSED: Senator: CARPENTER

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** Report "**B**" **OUGHT NOT TO PASS FAILED**.

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending **ACCEPTANCE** of Report "**A**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-38)**.

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

Bill "An Act To Amend the Laws Governing the Circumstances of Death That Must Be Reported to the Office of Chief Medical Examiner"

H.P. 378 L.D. 534

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

House As Amended

Bill "An Act To Require Moped Riders under 18 Years of Age To Wear a Helmet"

H.P. 86 L.D. 118
(C "A" H-36)

Bill "An Act Regarding the Funding of Volunteer Fire Departments"

H.P. 108 L.D. 150
(C "A" H-46)

Bill "An Act To Improve Vocational Rehabilitation under the Maine Workers' Compensation Act of 1992"

H.P. 428 L.D. 612
(C "A" H-44)

Bill "An Act To Ensure Appropriate Training for Harbor Masters"

H.P. 438 L.D. 622
(C "A" H-33)

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

Senate

Bill "An Act To Update the Licensure Renewal Provision of the Board of Licensure in Medicine"

S.P. 208 L.D. 593

READ A SECOND TIME and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Continue the Doctors for Maine's Future Scholarship Program"

S.P. 164 L.D. 503
(C "A" S-31)

READ A SECOND TIME.

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require Certification under the United States Environmental Protection Agency's Lead Renovation, Repair and Painting Rule"

S.P. 143 L.D. 441

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-38)** (6 members)

Report "B" - **Ought Not to Pass** (6 members)

Tabled - April 20, 2017 by Senator **CUSHING** of Penobscot

Pending - **ACCEPTANCE** of Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-38)**

(In Senate, Reports **READ**. The motion by Senator **VOLK** of Cumberland to **ACCEPT** Report "B" **OUGHT NOT TO PASS FAILED**.)

On motion by Senator **CUSHING** of Penobscot, the Senate **RECONSIDERED** whereby it **FAILED** to **ACCEPT** Report "B" **OUGHT NOT TO PASS**.

On motion by Senator **LIBBY** of Androscoggin, 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 (#86)

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

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

EXCUSED: Senator: CARPENTER

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** Report "B" **OUGHT NOT TO PASS PREVAILED**.

Sent down for concurrence.

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

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

Bill "An Act To Enhance Access to Affordable Health Care"
I.B. 2 L.D. 1039

Tabled - March 21, 2017, by Senator **BRAKEY** of Androscoggin

Pending - **REFERENCE**

(In House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

Senator **BRAKEY** of Androscoggin moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **JACKSON** of Aroostook, 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 (#87)

YEAS: Senators: **BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DOW, HAMPER, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WHITEMORE, WOODSOME, PRESIDENT THIBODEAU**

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

EXCUSED: Senator: **CARPENTER**

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/4/17) matter:

JOINT ORDER - To Create the Maine Health Advisory Committee
S.P. 451

Tabled - April 4, 2017, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **GRATWICK** of Penobscot to **PASS**

On motion by Senator **MASON** of Androscoggin, the Joint Order **INDEFINITELY POSTPONED**.

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/17) matter:

Bill "An Act To Promote Prescription Drug Price Transparency"
S.P. 484 L.D. 1406

Tabled - April 11, 2017, by Senator **BRAKEY** of Androscoggin

Pending - **REFERENCE**

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

On motion by Senator **KEIM** of Oxford, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/13/17) matter:

Bill "An Act To Address the Policies Relating to Substance Use in the Workplace"

S.P. 413 L.D. 1222

Tabled - April 13, 2017, by Senator **MASON** of Androscoggin

Pending - **FURTHER CONSIDERATION**

(In Senate, April 6, 2017, on motion by Senator **KATZ** of Kennebec, **REFERRED** to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** and ordered printed.)

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

On motion by Senator **KATZ** of Kennebec, the Senate **INSISTED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/13/17) matter:

Bill "An Act To Prohibit Insurance Carriers from Retroactively Reducing Payment on Clean Claims Submitted by Pharmacies"
S.P. 10 L.D. 6
(C "A" S-22)

Tabled - April 13, 2017, by Senator **MASON** of Androscoggin

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-22)**

On motion by Senator **WHITEMORE** of Somerset, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-22).

On further motion by same Senator, Senate Amendment "A" (S-40) to Committee Amendment "A" (S-22) **READ** and **ADOPTED**.

Committee Amendment "A" (S-22) as Amended by Senate Amendment "A" (S-40) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" S-22) AS AMENDED BY SENATE AMENDMENT "A" (S-40) thereto.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/18/17) matter:

HOUSE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Phase Out the Use of Single-use Plastic Shopping Bags"
H.P. 44 L.D. 57

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-18)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - April 18, 2017, by Senator **SAVIELLO** of Franklin

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

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-18)**.)

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm finally paying attention. So let me talk about this bill very quickly. First of all, it's not a ban. In fact, I would suggest to you that the proper title that we might think about would be a promotion. An Act to Reduce Waste by

Promoting the Use of Plastic Bags and Recyclable Food Containers. You may actually see that title if, in fact, we accept the amendment as proposed. What this simply does is it actually amends, or modifies, the certain laws that we have to reflect and support the recycling goals that we've established for the State of Maine. We dealt with these recycling goals and reuse goals every session that I've been here and, in fact, really emphasized that last time that we got together. It's not a mandate. I make sure everybody knows that. It's not a mandate. It sets goals for towns, towns that are already taking this action, to make it happen. The goals are set for 2019, 2024, and 2029. Contrary to what the lobby may be telling you, there is no special report required. It will simply be put into the solid waste report that we get on an annual basis when we come back in next year and years after. It also restates the existing goal, which says that every business - and you have to go and check when you get home and find out if this is actually happening and I hope you find it is, I doubt you will - every business that gives out plastic bags, either inside their business or within 20 feet of their door, needs to have a recycling container for those plastic bags. I sure hope that they do. I know some of my facilities at home do and have arrangements with some of the bigger places. Finally, I hope this puts a stop to the perennial bill. I've been here, in the Senate, for four terms. This is the fourth time I've seen a similar bill come through and I think if we establish some goals perhaps it won't happen again, at least for the next time that those of you who get to come back. Thank you very much, Mr. President.

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

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

Senator **GRATWICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I wish to rise in support of my good colleague from the Environmental and Natural Resources Committee, Senator Saviello. This is a bill whose time has come. As you've heard, it has certainly made its way very carefully through our committee, through this assembly. This is a bill, that is not a mandate, that really underlines the importance of the goal of recycling, but it leaves it up to local communities, local stores, on how we're going to go about this. The goals are attainable and I think we all want to move in this direction at this particular time. To my way of thinking, this is just the way a movement like this should be going and I strongly urge you to follow our lights. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Franklin, Senator Saviello, to Accept the Majority Ought to Pass as Amended Report, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#88)

YEAS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LIBBY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WHITEMORE, WOODSOME

NAYS: Senators: BRAKEY, CUSHING, LANGLEY, MAKER, MASON, PRESIDENT THIBODEAU

EXCUSED: Senator: CARPENTER

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **SAVIELLO** of Franklin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-18) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Strengthen Enforcement of Support Orders"
H.P. 1026 L.D. 1493

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

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

Bill "An Act To Increase the Availability of Foster Homes"
H.P. 1027 L.D. 1494

Bill "An Act To Break the Generational Cycle of Domestic Violence"
H.P. 1028 L.D. 1495

Bill "An Act To Clarify the Scope of the Maternal and Infant Death Review Panel"
H.P. 1029 L.D. 1496

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 Correct and Clarify Maine's Fish and Wildlife Laws"

H.P. 1030 L.D. 1497

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.

Bill "An Act To Clarify the Applicability of the Records Preservation Surcharge within County Registries of Deeds"
H.P. 1031 L.D. 1498

Comes 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.

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**, pursuant to the Joint Order, until Tuesday, April 25, 2017 at 10:00 in the morning.