

# 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  
May 9, 2017

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

Prayer by Pastor Carol Stevens, Rumford United Methodist  
Church.

**PASTOR STEVENS:** Good morning. Let us be in the spirit of  
prayer. God of us all, our Legislators are gathered here to make  
decisions that affect the lives of the citizens of the State of Maine  
and their communities. Bless them with wisdom and openness to  
one another to work together for the greater good. In times of  
disagreement instill in them patience, listening ears, and respect  
for one another. At the end of the day may they part in peace.  
Amen.

Pledge of Allegiance led by Senator James F. Dill of Penobscot  
County.

Reading of the Journal of Thursday, May 4, 2017.

Doctor of the day, David Edsall, M.D. of Ellsworth.

**Off Record Remarks**

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **VETERANS AND  
LEGAL AFFAIRS** on Bill "An Act Regarding Advertisements by  
Maine Clean Election Act Candidates"

H.P. 571 L.D. 791  
(C "A" H-30)

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee  
Amendment "A" (H-30)** (6 members)

In Senate, May 2, 2017, the Minority **OUGHT TO PASS AS  
AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED  
TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (H-30)** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former  
action whereby the Majority **OUGHT NOT TO PASS** Report was  
**READ** and **ACCEPTED**.

On motion by Senator **MASON** of Androscoggin, the Senate  
**INSISTED**.

**Joint Resolution**

The following Joint Resolution:

H.P. 1089

**JOINT RESOLUTION  
RECOGNIZING MAY 2017 AS WILLIAMS SYNDROME  
AWARENESS MONTH**

WHEREAS, Williams syndrome is a genetic disorder that  
remains virtually unknown to the general public, educators and  
many doctors; and

WHEREAS, Williams syndrome affects one in 10,000 people  
worldwide, including an estimated 20,000 to 30,000 people in the  
United States; and

WHEREAS, Williams syndrome is characterized by medical  
and developmental delays, cardiovascular disease and learning  
disabilities; and

WHEREAS, despite these problems, people with Williams  
syndrome often have unique abilities, including advanced verbal  
skills, highly sociable personalities and an affinity for music; and

WHEREAS, children with Williams syndrome need costly  
ongoing medical care and early interventions, such as speech or  
occupational therapy, that may not be covered by insurance or  
state funding; and

WHEREAS, as adults, most people with Williams syndrome  
need supportive housing to live to their fullest potential; and

WHEREAS, the Williams Syndrome Association sponsors  
activities that work to increase community awareness and provide  
financial support for critical research and programs, leading to  
further insights about the disorder and new treatments for the  
future; 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 May 2017 as Williams Syndrome  
Awareness Month and encourage citizen participation in volunteer  
activities to increase local community awareness of Williams  
syndrome and its effects.

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

**READ** and **ADOPTED**, in concurrence.

**COMMUNICATIONS**

The Following Communication: S.C. 373

**STATE OF MAINE  
ONE HUNDRED AND TWENTY EIGHTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 28, 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. Martin of Eagle Lake, to report the following bill Leave to Withdraw:

L.D. 241 An Act To Eliminate the Authority of Game Wardens To Violate the Hunting and Fishing Laws When Carrying Out the Duties of the Department of Inland Fisheries and Wildlife

Sincerely,

S/Sen. Scott W. Cyrway  
Senate Chair

S/Rep. Robert S. Duchesne  
House Chair

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

The Following Communication: S.C. 374

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

April 24, 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. Tipping-Spitz of Orono, to report the following bill Leave to Withdraw:

L.D. 733 An Act Regarding Maine's Tax Code

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. 377

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

May 3, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 908 An Act Establishing the Crime of Child Abuse in the Maine Criminal Code

L.D. 1154 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

L.D. 1173 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

This is notification of the Committee's action.

Sincerely,

S/Sen. Kimberley C. Rosen  
Senate Chair

S/Rep. Charlotte May Warren  
House Chair

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

The Following Communication: S.C. 375

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

May 1, 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. 578 An Act To Modify the Divorce Laws Concerning Perpetrators of Domestic Violence
- L.D. 581 An Act To Require Notification When a Temporary Protection from Abuse Order Is Rescinded
- L.D. 668 An Act To Facilitate the Return of Unclaimed Property
- L.D. 773 An Act To Enact the Uniform Real Property Transfer on Death Act
- L.D. 1099 Resolve, To Require the State To Bring Suit against the Federal Government for Failure To Comply with the Federal Refugee Act of 1980
- L.D. 1120 Resolve, Directing the Maine Commission on Domestic and Sexual Abuse To Study Economic Abuse

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. 379

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

May 8, 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 State and Local Government has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 69 An Act To Increase the Salary of the Governor
- L.D. 899 Resolve, To Establish the Commission To Study the Salaries of the Governor, Legislators and Executive and Legislative Staff
- L.D. 1087 An Act To Define When a Municipal Land Use Decision Is Considered Final for Purposes of an Appeal to Superior Court
- L.D. 1100 An Act To Increase the Salaries of the Governor and Legislators

This is notification of the Committee's action.

Sincerely,

S/Sen. Paul T. Davis Senate Chair S/Rep. Danny Martin House Chair

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

The Following Communication: S.C. 378

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

May 8, 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 Veterans and Legal Affairs has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 4 An Act To Amend the Licensing Requirements for Beano Halls Leased by Veterans' Organizations

- L.D. 407 An Act To Simplify the Laws Regarding Games of Chance
- L.D. 564 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Number of Signatures Required for a Direct Initiative of Legislation
- L.D. 796 RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Referendum Questions for Statewide Ballots
- L.D. 1284 An Act To Require Election Transparency and Audits
- L.D. 1293 An Act To Allow Wine Tastings at Farmers' Markets
- L.D. 1411 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit Petitions for Direct Initiatives That Would Violate the Constitution of Maine
- L.D. 1525 An Act To Clarify the Laws Governing Alcohol Manufacturer Licenses

This is notification of the Committee's action.

Sincerely,

S/Sen. Garrett P. Mason  
Senate Chair

S/Rep. Louis J. Luchini  
House Chair

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

Senate at Ease.

The Senate was called to order by the President.

**ORDERS OF THE DAY**

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (3/21/17) matter:

JOINT ORDER - Expression of Legislative Sentiment Recognizing Sybil Riemensnider, of South Portland, for her 20 years of service as Executive Director of the South Portland Food Cupboard, which served fewer than 200 people per month when it opened in 1997 but now serves more than 700 people per month. We extend to Ms. Riemensnider our appreciation for her service and offer her our best wishes;

SLS 127

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

Pending - **PASSAGE**

**READ.**

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I am pleased to welcome to the Chamber this morning a remarkable woman. I can only wish that each and every one of our communities had someone as dedicated, passionate, energetic, and committed to helping others during their tough times as Sybil Riemensnider. Sybil built the Food Cupboard from the ground up and saw to its current expansion by adding a second pick-up time during the week for people to access food. Her clients are treated with respect, dignity, compassion, and discretion. This is her second career. This is after her first professional career as a scientist. She has put in all of this amazing time and effort as an uber volunteer, I would say. This morning I just want to say thank you, Sybil, for all that you have done.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber Sybil Riemensnider and her friend, Susan Saba. Would they please both stand and accept the greetings of the State Senate.

**SENATE PAPERS**

Bill "An Act Authorizing the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians To Benefit from the Operation of an Existing Casino"

S.P. 560 L.D. 1590

Presented by Senator CARPENTER of Aroostook. Cosponsored by Representative TALBOT ROSS of Portland and Representatives: COLLINGS of Portland, HANINGTON of Lincoln.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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.

**REPORTS OF COMMITTEES**

**House**

**Pursuant to Statute**

The Committee on **GOVERNMENT OVERSIGHT COMMITTEE** on Bill "An Act To Implement Recommendations of the Government Oversight Committee To Improve the Efficiency and Effectiveness of Legislative Reviews of Tax Expenditures" H.P. 1083 L.D. 1572

Reported that the same be **REFERRED** to the Committee on **TAXATION**, pursuant to the Maine Revised Statutes, Title 3, section 1001, subsection 2.

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

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

Bill and accompanying papers **REFERRED** to the Committee on **TAXATION**, in concurrence.

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**Ought to Pass**

The Committee on **TAXATION** on Bill "An Act To Provide a Sales Tax Exemption for Baling Twine" H.P. 725 L.D. 1023

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.**

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**Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Establish the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services (EMERGENCY) H.P. 456 L.D. 642

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-106)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-106)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-106) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **TAXATION** on Bill "An Act To Exempt Sales to Parent-Teacher Organizations from the Sales Tax" H.P. 28 L.D. 27

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-100)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-100)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-100) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Governing Temporary Sign Usage" H.P. 165 L.D. 209

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-111)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-111) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

The Committee on **TRANSPORTATION** on Bill "An Act To Align State Relocation Assistance with That of the Federal Government" H.P. 915 L.D. 1318

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-112).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-112) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make Exposing a Law Enforcement Officer to a Disorienting Substance a Crime" H.P. 19 L.D. 18

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
- 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 To Pass as Amended by Committee Amendment "A" (H-88).**

Signed:

Representatives:

- GERRISH of Lebanon
- GROHMAN of Biddeford

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

Reports **READ.**

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

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**Divided Report**

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Facilitate the Creation of the Maine Water Trust To Regulate and Protect Maine's Water Supply and To Ensure the Quantity and Quality of Maine's Drinking Water"

H.P. 302 L.D. 422

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-94).**

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-94).**

Reports **READ.**

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Bird Hunting on Sundays by Licensed Hunters Using a Shotgun"

H.P. 48 L.D. 61



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

Signed:

Senators:

CYRWAY of Kennebec  
WOODSOME of York

Representatives:

DUCHESNE of Hudson  
ALLEY of Beals  
HARLOW of Portland  
LYFORD of Eddington  
MASON of Lisbon  
NADEAU of Winslow  
REED of Carmel  
STEARNS of Guilford

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

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

THERIAULT of China  
WOOD of Greene

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

Reports **READ.**

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Sunday Hunting by Landowners and Those with Landowner Permission" H.P. 77 L.D. 109

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  
HARLOW of Portland  
LYFORD of Eddington  
MASON of Lisbon

NADEAU of Winslow  
REED of Carmel  
STEARNS of Guilford

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

Signed:

Representatives:

THERIAULT of China  
WOOD of Greene

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

Reports **READ.**

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Bird Hunting on Sunday in Aroostook County and Unorganized Townships in Western Maine" H.P. 145 L.D. 189

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

Signed:

Senators:

CYRWAY of Kennebec  
WOODSOME of York

Representatives:

DUCHESNE of Hudson  
ALLEY of Beals  
HARLOW of Portland  
LYFORD of Eddington  
MASON of Lisbon  
NADEAU of Winslow  
REED of Carmel  
STEARNS of Guilford

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

Signed:

Representatives:

THERIAULT of China  
WOOD of Greene

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

Reports **READ.**

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Expand Disabled Veteran Eligibility for Complimentary Hunting, Fishing and Trapping Licenses" H.P. 208 L.D. 275

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-97)**.

Signed:

Senator:  
CYRWAY of Kennebec

Representatives:  
DUCHESNE of Hudson  
ALLEY of Beals  
MASON of Lisbon  
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 Not To Pass**.

Signed:

Senators:  
CARPENTER of Aroostook  
WOODSOME of York

Representatives:  
HARLOW of Portland  
LYFORD of Eddington  
NADEAU of Winslow

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-97)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-97) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

---

**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Extend the Big Game Season in Coastal Wildlife Management Areas" H.P. 304 L.D. 424

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  
HARLOW of Portland  
LYFORD of Eddington  
MASON of Lisbon  
NADEAU of Winslow  
REED of Carmel  
STEARNS of Guilford

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

Signed:

Representatives:  
THERIAULT of China  
WOOD of Greene

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Double the Number of Moose Permits Available for Auction by Conservation Organizations" H.P. 486 L.D. 695

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

Signed:

Senators:  
CYRWAY of Kennebec  
WOODSOME of York

Representatives:

DUCHESNE of Hudson  
HARLOW of Portland  
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**.

Signed:

Senator:

CARPENTER of Aroostook

Representative:

ALLEY of Beals

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Clarify Insurance Coverage in School-based Health Centers"

H.P. 550 L.D. 770

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

Signed:

Senators:

WHITTEMORE of Somerset  
CARSON of Cumberland  
DOW of Lincoln

Representatives:

LAWRENCE of South Berwick  
CRAIG of Brewer  
FOLEY of Wells  
PICCHIOTTI of Fairfield  
PRESCOTT of Waterboro  
SANBORN of Portland  
WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-96)**.

Signed:

Representatives:

BROOKS of Lewiston  
COLLINGS of Portland  
MELARAGNO of Auburn

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding the Cancellation of Subscription Services"

H.P. 671 L.D. 943

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

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford  
BATES of Westbrook  
DUNPHY of Old Town  
HANDY of Lewiston  
MASTRACCIO of Sanford  
SYLVESTER of Portland

The Minority of the same Committee on the same subject reported 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

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

Reports **READ**.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Lengths of Terms and Decrease the Number of Terms of Members of the Legislature  
H.P. 708 L.D. 1007

Reported that the same **Ought Not 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 To Pass as Amended by Committee Amendment "A" (H-86)**.

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 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.

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Protect Voting Integrity by Establishing a Residency Verification Requirement for Purposes of Voting"

H.P. 113 L.D. 155

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

Signed:

Senator:  
CARPENTER of Aroostook

Representatives:  
LUCHINI of Ellsworth  
CASÁS of Rockport  
HICKMAN of Winthrop  
LONGSTAFF of Waterville  
MONAGHAN of Cape Elizabeth  
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-92)**.

Signed:

Senators:  
MASON of Androscoggin  
COLLINS of York

Representatives:  
DILLINGHAM of Oxford  
FARRIN of Norridgewock  
HANINGTON of Lincoln  
WHITE of Washburn

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

Reports **READ**.

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

On motion by Senator **CARPENTER** 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 (#108)**

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, HAMPER, MASON, ROSEN, SAVIELLO, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, KEIM, LANGLEY, LIBBY, MILLETT, MIRAMANT, VITELLI, VOLK

EXCUSED: Senator: MAKER

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator MASON of Androscoggin to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, in NON-CONCURRENCE, FAILED.

The Majority OUGHT NOT TO PASS Report ACCEPTED, in concurrence.

Senate

Change of Committee

Senator BRAKEY for the Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act"

S.P. 314 L.D. 958

Reported that the same be REFERRED to the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT.

Report READ and ACCEPTED.

REFERRED to the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT.

Sent down for concurrence.

Ought to Pass As Amended

Senator SAVIELLO for the Committee on ENVIRONMENT AND NATURAL RESOURCES on Bill "An Act To Streamline the Municipal Review Process When Dividing a Structure into 3 or More Dwelling Units and To Amend the Process for Recording Subdivision Variances"

S.P. 250 L.D. 805

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-70).

Report READ and ACCEPTED.

Bill READ ONCE.

Committee Amendment "A" (S-70) READ and ADOPTED.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator KEIM for the Committee on JUDICIARY on Bill "An Act Regarding the Payment of Back Child Support" S.P. 30 L.D. 81

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-75).

Report READ and ACCEPTED.

Bill READ ONCE.

Committee Amendment "A" (S-75) READ and ADOPTED.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator VOLK for the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Promote Medical Care for Visiting Athletic Teams" S.P. 324 L.D. 985

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-71).

Report READ and ACCEPTED.

Bill READ ONCE.

Committee Amendment "A" (S-71) READ and ADOPTED.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Resolve, To Establish a Working Group To Review the Function and Mission of Probation Officers and Establish a Licensing Procedure

S.P. 204 L.D. 589

Reported that the same Ought Not to Pass.

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 To Pass.**

Signed:

Representatives:

WARREN of Hallowell  
TALBOT ROSS of Portland

Reports **READ.**

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Stability and Continuity in the Department of Education"

S.P. 120 L.D. 379

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT.**

Signed:

Senators:

LANGLEY of Hancock  
MAKER of Washington  
MILLETT of Cumberland

Representatives:

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

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

Signed:

Representatives:

GINZLER of Bridgton  
SAMPSON of Alfred  
STEWART of Presque Isle

Reports **READ.**

On motion by Senator **LANGLEY** of Hancock, the Majority Report **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT.**

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Protect Maine's Clean Water and Taxpayers from Mining Pollution"  
S.P. 265 L.D. 820

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-73).**

Signed:

Senators:

SAVIELLO of Franklin  
GRATWICK of Penobscot  
VOLK of Cumberland

Representatives:

TUCKER of Brunswick  
CAMPBELL of Orrington  
DUCHESNE of Hudson  
FAY of Raymond  
KINNEY of Limington  
MARTIN of Eagle Lake  
PIERCE of Dresden  
STROM of Pittsfield  
ZEIGLER of Montville

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

Signed:

Representative:

HARLOW of Portland

Reports **READ.**

Senator **CARSON** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **CARSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, L.D. 820 is a bill whose purpose and value is represented by its title. L.D. 820 is An Act to Protect Maine's Clean Water and Taxpayers from Mining Pollution. This bill has been a work-in-progress not for the four plus months that we have been in session in 2017 but for about five years, and some would say longer. The DEP has worked on several sets of

rules following adoption of the 2012 mining law. Each of these sets of rules has been inadequate to the task and each of these sets of rules has been rejected by the Legislature in bi-partisan fashion. L.D. 820 is now before you and I believe that it does, in fact, protect the clean water and the taxpayers of the State of Maine and I want to briefly explain what the bill does and then encourage everyone in this Body to vote yes on Ought to Pass, please.

The bill would ban open pit mining in the State of Maine, the most dangerous and most polluting form of mining in our country. The bill would ban the storage of wet mine waste and the construction of tailing ponds and wet mine waste stored in flood plains where they could put down-river property and public and private lives very much at risk. The bill, in every dimension, was designed carefully and thoughtfully by members of the Environment and Natural Resources Committee, by representatives of environmental organizations, by citizen activists, and other environmental advocates to take the long view to protect our state's rivers, lakes, ponds, ground water, and the pocketbooks, the public purse and the pocketbooks, of our citizens. Perhaps, with the many specific provisions in the bill, most importantly it sends a message to mining companies, with its provision in what we call Financial Assurance, that cash or negotiable instruments would have to be posted with the State of Maine, with the DEP, while the permit is being processed that would cover the cost in the event of an accident or spill of a worst-case accident or spill and the appraisal, the understanding of that worst-case, would have to be approved by a third party and funds sufficient to cover any remediation in the event of a spill or an accident would have to be advanced. The purpose of that requirement, of course, is not principally to cover the cost of an accident or a spill, but it is to send a very clear message to any mining company or mining interest that the State of Maine, through our legislation, is very serious about protecting our clean water, our people, and public property or public health and that, should an accident occur, a great deal of money, millions or perhaps tens of millions of dollars or more, would be required by the company, not by the taxpayers of the State of Maine to clean up the results of any accident or spillage. I think this is a sensible bill, a well-designed bill. It narrows the definition of mining area to a very small area immediately adjacent to shaft mining and, as I said a moment ago, we will not have open pit mining in this state. It, I believe, will serve us well long into the future. Thank you for allowing me to address you on L.D. 820 and, again, I urge your support for the yes vote on Ought to Pass.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I forgot to ask if I could speak just very briefly about this. As many of you know, I've been working on this bill since 2011 and sometimes, being here in the Legislature, it takes a long time to bring things to closure, but I really believe that we have done it and really done a good job at it. I thank my good friend, Senator Carson. He and I have been friends for over 30 years. Hard to believe that we're really only 12 years old now. This bill, as the Senator mentioned, protects the State of Maine,

protects the people if anybody does come in to mine in relation to the third party agreement, but there are a couple of other things you need to realize. It also prohibits mining on public lands. It prohibits the use of a mining technique called wet cut tailings piles, which are where the catastrophes take place. It protects our lakes. It protects our streams. It creates a high hurdle. A mining company can come here but they will have to be extremely responsible and have a very huge hurdle to jump over. As I've given this speech before, I told the story about wearing a gold ring that was my Uncle's. I talk about having a computer that has precious metals in it. I talk about your hybrids, those who drive it, that have precious metals in them for them to operate. For us, as the State of Maine, said, "Go do it someplace else. Go do it in Nigeria. Go do it someplace where 5 year olds mine gold." It's irresponsible on our part. Now we've taken the responsibility and said we will allow mining here but you have a high hurdle to reach and we will allow it, but do it right or not at all. Thank you very much, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Carson, to Accept the Majority Ought to Pass as Amended 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 (#109)**

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

NAYS: Senators: None

EXCUSED: Senator: MAKER

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

Bill **READ ONCE**.

Committee Amendment "A" (S-73) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Regarding the Municipality of Responsibility for General Assistance Applicants Released from a State Correctional Facility or County Jail Facility" S.P. 67 L.D. 221

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

Signed:

Senator:  
CHIPMAN of Cumberland

Representatives:  
HYMANSON of York  
DENNO of Cumberland  
HAMANN of South Portland  
MADIGAN of Waterville  
PARKER of South Berwick  
PERRY of Calais

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

Signed:

Senators:  
BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:  
CHACE of Durham  
HEAD of Bethel  
MALABY of Hancock  
SANDERSON of Chelsea

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Insurance Laws Governing the Provision of Rebates" S.P. 382 L.D. 1161

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-72)**.

Signed:

Senators:  
WHITTEMORE of Somerset  
CARSON of Cumberland  
DOW of Lincoln

Representatives:  
LAWRENCE of South Berwick  
BROOKS of Lewiston  
COLLINGS of Portland  
CRAIG of Brewer  
FOLEY of Wells  
PICCHIOTTI of Fairfield  
PRESCOTT of Waterboro  
SANBORN of Portland  
WALLACE of Dexter

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

Signed:

Representative:  
MELARAGNO of Auburn

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-72) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Recognize Local Control Regarding Food and Water Systems" S.P. 242 L.D. 725

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-74)**.

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:

Senator:

DAVIS of Piscataquis

Representatives:

HARRINGTON of Sanford

ORDWAY of Standish

PICKETT of Dixfield

Reports **READ**.

Senator **DAVIS** of Piscataquis moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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 PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I wanted to get up and oppose the current motion. This is a bill that originally, when I saw it in the 126<sup>th</sup> Legislature in front of the Agriculture, Conservation and Forestry Committee, I wasn't in favor of it and as I heard testimony about the bill, and as the time has gone on, I've come around to believing that this is something that I think should be done. I think that many, many times, if not all the time, people in your local communities have a much better idea of what safety should be on anything grown or sold in their areas. I don't believe that, you know, that bureaucrats necessarily from Augusta always know what's best for the people in those local communities. I think in one case a person in my area was able to cut moose and deer during hunting season. Did a great job. Everyone thought it was an excellent service, but the first time someone brought a cow, beef, to the facility he couldn't do it anymore. The State said that he wasn't qualified to do it. The opponents to this bill are saying that there's no control at all. Well I don't believe that's accurate either. This still has to be passed in your local community. I believe those people know best what's best for the people in their communities. That's why I agreed to put the bill in again and I certainly still feel very strongly that the people closest to you, the ones that you have the face-to-face transactions with, are the ones that most often, if not always, I feel strongly that you can trust them and I just felt that this was something that more and more people are asking for and that's why I'm opposing the motion on the Floor and I hope you will join me in opposing that.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. Mr. President, if this bill passes than all food inspection, all testing, licensing, and regulation of food, all those things which makes our food safe to consumer, will be repealed and it will be left to the local communities to do the whole of it. I would submit, Mr. President, that the food producers in this state have a marvelous reputation for providing us with safe, healthy food and that, Mr. President, I think that we would be very wise to leave it that way. Thank you.

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

Senator **LANGLEY:** Thank you, Mr. President. I'd like to join in opposition to this with my colleague from Aroostook County. You know, this bill recognizes the growing support and maturation of local foods movement and 18 towns have adopted the local foods ordinance and some of them are in my district. I spent a lot of time on those farms. You know, the grass roots organizers of the local food sovereignty ordinances know that personal knowledge, trust, community and individual responsibility are not the creature of government but the ground on which it rests. In fact, if such constructs do not spontaneously arise from the social fabric, government cannot survive. If they do not preexist, government cannot create them, but if the government does not cultivate them, husband them, and sponsor the supportive conditions in which social resources can flourish, then not just local food suffers but so does the whole body politic. So, you know, there's a lot of individual responsibility that's involved here. There's no getting away. No matter how elaborate the government apparatus is, how sophisticated the technology, or how well trained and available the inspector is, things can, and do, happen, but when I buy from a local farm, and I go and stand in their kitchen or in their barn, I take great comfort knowing that they are feeding their own family from the food that I am buying. So I would support the opposition to this motion. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, my degree is in agriculture and I also I grew up on a farm with 80 acres of vegetable gardening and 110 head of cattle. For those that don't know, I worked for a company for the whole New England area for Eastern Artificial Insemination Corporation Incorporated. I used to breed cattle artificially for eight years; 20,000 cows I've bred. I used to go around farm to farm and I saw it all. I know it's funny but, you know, it's a service that was very important for breeding cattle so that they actually had quality cattle, but also I went to farm to farm, from one cow family farms right up through to 2,000 cows at a farm. When you go to these farms you see the pride that was taken and also the chemicals that were used in treating cattle and whatever. Even the little family farms, you know, they had ill cattle, and sometimes I'd walk into a farm that did not qualify for the testing and whatever, and you would walk in and there'd be a dead calf lying on the side of the barn or there'd be cows that looked malnourished. Also you'd see the buckets with flies all over it. You know, we really take pride in the State of Maine in our product and when I worked on the farm with 25 acres of potatoes, we used to send potatoes out and they had to be checked and you couldn't have less than 3% or 4% spoilage, or even if there were little nicks or whatever, because it would rot the whole barrel or it would rot your shipments so it would not be accepted. There's high standards out there. They test your milk. They test so that it doesn't have penicillin in it and that sort of thing. They test for bacteria. If we do this we could hurt the whole State of Maine's economy. This is a bad bill. I can't say it plain enough because I know, from my experience, I grew up that way, I know Maine as far as agriculture, and we really have to take pride in what we've done and we've created and we have to take care of

our farms. This is an important bill to do away with because it is a bad bill. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Piscataquis, Senator Davis, 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 (#110)**

YEAS: Senators: COLLINS, CUSHING, CYRWAY, DAVIS, DILL, DOW, HAMPER, KATZ, KEIM, ROSEN, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DION, GRATWICK, HILL, JACKSON, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT

EXCUSED: Senator: MAKER

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

Senator **MASON** of Androscoggin moved to **TABLE** until Later in Today's Session. Subsequently same Senator requested and received leave of the Senate to withdraw his motion to **TABLE** until Later in Today's Session.

Same Senator moved the Senate **RECONSIDER** whereby it **FAILED** to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

**SECOND READERS**

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

**House**

Bill "An Act To Clarify the Authority for Cremation"  
H.P. 339 L.D. 476

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

**House As Amended**

Bill "An Act To Authorize 3-day All-terrain Vehicle Registration Reciprocity with the Provinces of New Brunswick and Quebec"  
H.P. 147 L.D. 191  
(C "A" H-90)

Bill "An Act Regarding Political Action Committee Expenditures"  
H.P. 387 L.D. 543  
(C "A" H-93)

Bill "An Act To Improve Moose Hunting" (EMERGENCY)  
H.P. 400 L.D. 558  
(C "A" H-91)

Bill "An Act To Repeal or Clean Up Outdated Telecommunications Statutes"  
H.P. 534 L.D. 754  
(C "A" H-95)

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

**Senate**

Bill "An Act To Clarify the Public Nature of Annual Statements of Life Settlement Providers"  
S.P. 473 L.D. 1386

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

Sent down for concurrence.

**Senate As Amended**

Bill "An Act To Establish a Mattress Stewardship Program"  
S.P. 115 L.D. 349  
(C "A" S-58)

Bill "An Act Regarding the Chain of Custody in Crematories"  
S.P. 223 L.D. 661  
(C "A" S-60)

Bill "An Act To Create More Transparency in the Setting of Normal Teacher Retirement Costs"  
S.P. 347 L.D. 1045  
(C "A" S-59)

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

Sent down for concurrence.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Offer Hunters 65 Years of Age or Older Who Have Accumulated at Least 30 Points a Guaranteed Moose Permit  
H.P. 395 L.D. 553  
(C "A" H-68)

This being an Emergency Measure 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.

**Emergency Measure**

An Act To Allow the Waldo County Budget Committee To Appoint Replacement Members  
H.P. 686 L.D. 973

This being an Emergency Measure 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.

**Emergency Measure**

An Act To Enhance the Administration of the State's Group Health Plan  
H.P. 835 L.D. 1198

This being an Emergency Measure 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.

**Emergency Resolve**

Resolve, To Establish the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County  
H.P. 723 L.D. 1021  
(C "A" H-67)

On motion by Senator **CUSHING** of Penobscot, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

**Acts**

An Act To Protect Landlords from Lawsuits for Damage or Harm Caused by Assistance Animals  
H.P. 154 L.D. 198  
(C "A" H-74)

An Act To Ensure Fair Compensation for Licensed Insurance Agents  
H.P. 267 L.D. 361  
(C "A" H-69)

An Act To Modify the Definition of "General Use Pesticide"  
S.P. 209 L.D. 594

An Act To Remove Restrictions on the Membership of Regional Water Councils  
H.P. 477 L.D. 686  
(C "A" H-75)

An Act To Make Changes to the Maine Liquor Liability Act  
H.P. 601 L.D. 852  
(C "A" H-80)

An Act To Extend the Germination Testing Period for Cool-weather Lawn and Turf Seed from 9 to 15 Months  
H.P. 605 L.D. 856

An Act To Allow Learner's Permits To Be Issued by Driver Education Schools  
H.P. 626 L.D. 877  
(C "A" H-38)

An Act To Modernize Ballot Notices for City Elections  
H.P. 741 L.D. 1058

**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.

An Act To Improve Safety in the Disposal of Expired Marine Flares

H.P. 185 L.D. 252  
(C "A" H-62)

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 (#111)**

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

NAYS: Senators: None

EXCUSED: Senator: MAKER

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, 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.

An Act To Extend the Allowed Time for the Interchange of Educators between School Administrative Units and the Department of Education

H.P. 354 L.D. 491  
(C "A" H-65)

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

An Act To Help Municipalities Prepare for Sea Level Rise  
H.P. 384 L.D. 540  
(C "A" H-28)

On motion by Senator **MASON** 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 (#112)**

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

NAYS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, HAMPER, MASON, WHITTEMORE, PRESIDENT THIBODEAU

EXCUSED: Senator: MAKER

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being excused, 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.

An Act To Expand the Types of Nonprofit Organizations to Which Surplus Property May Be Sold by the State  
H.P. 462 L.D. 648

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

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

**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Assigned (4/25/17) matter:

HOUSE REPORT - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Improve Enforcement of Snowmobile Noise Levels"

H.P. 346 L.D. 483

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-48)**

Tabled - April 25, 2017, by Senator **MASON** of Androscoggin

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-48)**, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/25/17) matter:

Bill "An Act To Prohibit Retired State Employees and Teachers from Returning to Work While Collecting Retirement Benefits"  
H.P. 1033 L.D. 1509

Tabled - April 25, 2017, by Senator **HAMPER** of Oxford

Pending - **REFERENCE**

(In House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.)

On motion by Senator **HAMPER** of Oxford, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/27/17) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Authorize Funding for Transitional Housing for Women Veterans and Their Families"  
H.P. 572 L.D. 792

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-58)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - April 27, 2017, by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(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-58).**)

Senator **COLLINS** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in 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 (#113)**

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

NAYS: Senators: BRAKEY, KATZ, MASON

EXCUSED: Senator: MAKER

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-58) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

The Chair laid before the Senate the following Tabled and Later Assigned (5/2/17) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Strengthen Protections against Civil Asset Forfeiture"  
S.P. 288 L.D. 888

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-53)** (1 member)

Tabled - May 2, 2017, by Senator **ROSEN** of Hancock

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

On motion by Senator **BRAKEY** 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 Brakey.

Senator **BRAKEY**: Thank you, Mr. President. I rise today in opposition to the pending motion. Imagine for a moment that you are in the process of moving. You are carrying with you your entire life savings, \$11,000 in cash, saved over five years and you lose it, not to identity theft or a bad investment but at the airport to government officials who, despite finding nothing illegal in your checked bag, claim it smells of marijuana. No evidence is found to indicate you are guilty of any crime, but your life savings are seized and forfeited all the same. You never see your life savings again. You are never charged with a crime. This is civil asset forfeiture and this is the true story of Charles Clark. That is just one story. Rhonda Cox had the truck she owned seized and forfeited, not because she had done anything wrong but because her son, who was driving it at the time, was charged with theft. She pleaded with the government for her property back, that she, not her son, owned the truck, even producing proof of ownership, but she was told she would never see it again. She tried, at her own expense, to navigate the convoluted court process of civil forfeiture to reclaim her property, but gave up because the expense and complication was too much for her to handle. She never saw her truck again. Rhonda Cox was never charged with a crime. In another case a father, who ran his own small painting business along with his wife, had their home seized and forfeited. The nightmare began when police showed up to arrest their 22 year old son on drug charges for \$40 worth of opiates, saying the son was selling drugs out of the home. The son was not the property owner and neither parent had any knowledge of any involvement their son might have had with drugs, but their house was seized and forfeited all the same. Neither the mother or the father, the homeowners who lived there, were charged with a crime.

How does this happen? In the upside down world of civil asset forfeiture the normal standards of due process, innocent until proven guilty beyond a reasonable doubt, do not apply. Under civil asset forfeiture you may never even be charged with a crime, instead your property is. When you are charged with a crime you are presumed innocent until proven guilty beyond a reasonable doubt. When your property is charged with a crime not only do you, the property owner, have no right to counsel but our system only requires a preponderance of the evidence as the standard of proof, meaning that your property is more likely than not connected to a crime. Essentially, the court finds there is a 51% chance. We may as well flip a coin. In fact, there have been many cases where an individual has been charged with a crime and found not guilty while their property is found guilty. They're exonerated of the crime but their property is taken all the same. The well-documented cases of abuse under these laws have given rise to a rare occasion where the right and left agree. The Heritage Foundation and the American Civil Liberty Union, the American Conservative Union and the Center for American Progress have all called for civil asset forfeiture reform to protect innocent property owner's rights. Just as Clarence Thomas has condemned the practice of civil asset forfeiture, declaring, "This system where police can seize property with limited judicial oversight and retain it for their own use has led to egregious and well chronicled abuses." Justice Thomas argues that civil asset forfeiture offers none of the constitutionally required safe-guards for the rights of person or property.

This Legislation would do three simple things. First, it would protect property owners by raising the standard of proof in civil asset forfeiture cases, requiring that the property owner must be convicted of a crime in connection with the property before the

property can be forfeited and claimed ownership by the government. This is the same standard practice in nine other states. Second, it would prohibit state and local agencies from out-sourcing civil asset forfeiture cases to the federal government in cases where the property is worth less than \$100,000. Our federal government is one of the worst abusers of civil asset forfeiture as very few protections exist in federal law for property owners. As such, they are commonly used across the country to circumvent state protections, allowing state agencies to keep up to 80% of forfeiture revenues for their own coffers. That's ignoring Maine law that directs forfeiture revenues to go to the General Fund in order to mitigate clear conflicts of interests. So you use the federal government to do it and you don't have to follow state law. That circumvents all state property owner protections. Finally, this bill would require that the records of forfeited property be posted by the Department of Public Safety on a publicly accessible website. Maine law currently requires law enforcement agencies to maintain an inventory of property seized for forfeited but there are no requirements for that information to be made publicly available. Making this information available on a publicly accessible website would increase transparency and deter potential abuse. All three elements of this proposal were recently passed in New Mexico with bi-partisan support and signed into law by Republican Governor Susana Martinez. We should all be able to agree, if the State is going to take my property, charge me with a crime. Give me my day in court. Make your case against me. Let me have the opportunity to defend myself. These are the minimum standards we expect in America, a nation of laws designed to protect your civil liberties from arbitrary government overreach. Let's protect due process rights for Maine property owners today. Please join me in voting against the pending motion so we can move on to the Ought to Pass Report. Thank you very much, 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 am rising in opposition to the pending motion. I thank my colleague, the good Senator from Androscoggin, for his passion on this issue and I couldn't agree more. I think, Mr. President, as he pointed out, when the American Civil Liberty Union and Justice Clarence Thomas agree on something we ought to all pay attention. Just imagine a case where John Smith, one of your constituents, is pulled over for some traffic offense and there is a suspicion that he is involved with drugs and maybe there's an odor; who knows what. He's arrested and his car, his 2012 Chevy Malibu, is seized. John Smith, who is indigent, has the right to assigned counsel. Gets good counsel. Ends up going to trial and is acquitted of the drug charges. You would think, Mr. President, he would get his car back, but that's just not the way the system works because there's a separate court case, which in this case would be titled State of Maine vs 2012 Chevrolet Malibu, that would be the name of the case, and John Smith would have to come in and argue the case. Unlike the criminal case, he has no right to counsel in the civil forfeiture matter. Quite often what happens is, as the good Senator pointed out, it's complicated to navigate these things and an indigent defendant who can't afford counsel, who has no right to appointed counsel, may default, may not properly handle the case procedurally, and will end up losing that car. The kinds of abuses the good Senator was talking about, fortunately, are few and far between in Maine, but these

situations do happen and the law ought to reflect the fact that you shouldn't lose your property to the government with respect to a criminal matter unless you are found guilty. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would like to give you the other side of the story. First off, examples you'll hear most, if not all, are from other states when it comes to the forfeiture issue. The Institute of Justice rated Maine an A with our laws and how well we conduct this process. Most states, or many states, are rated much, much lower. That's one. Number two, there are unintended consequences if this bill should pass, and consequences you should be aware of. I compliment the good Senator from Androscoggin for doing a good job in committee and also doing a good job in explaining various parts of his bill during the work session. He did a real good job. Let me explain to you just a couple of the unintended consequences. One is the computer crime unit, when they're trying to rescue kids who are being abused sexually online. They have to go to great measures with various forms of equipment, electronic equipment, devices across this country, but also in the State of Maine, to try to locate these kids who are being abused. It's a very, very complicated process. They also have to work equally as hard when the child pornographers are involved in their peer-to-peer networks and their selling of these images. They have to use every effort they can, all legal, I would add, but it's very, very sophisticated and it causes them to get involved in a number of different pieces of equipment just to save these kids. It's not equipment that necessarily is owned by someone who is convicted but certainly provides information, and in many cases of course it is. I would suggest to you that as well intended as this is, and I would encourage the good Senator or others to come back to the Legislature another time and take these unintended consequences out because they are serious and they are ones we need to be aware of. As I was talking with the computer crime unit yesterday and the word, or the phrase, that they were telling me, is that if this officially passed, it would be a can of worms that they would have to then deal with, hurdles they would have to go around, in order to do their work to rescue these kids and to stop, or at least to try to prevent, a lot of this child pornography. So I would ask you to consider that. Again, I know this is all unintended. There is certainly room to write a better piece of legislation, taking these things into consideration, but I would ask you to really give that serious consideration and vote against the motion.

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

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising a second time. I just want to speak to one thing that was said. It's true that we were ranked as having a B+ but that is because we have a provision in law currently that says that under State civil asset forfeiture civil asset forfeiture funds are supposed to go directly to the General Fund rather than in most states where it goes directly into agency coffers, which, as you can imagine, creates a conflict of interest when those who are seizing property, their agency, is directly benefiting from that. We have

that in law, and that's all well and good, but the problem remains that you can out source this to the federal government, which does not follow that, and then the agency gets 80%, up to 80%, of that back. So that conflict of interest, we have a very good provision in law but as long as we allow this huge loophole to exist where folks can go around state law and use the federal government to ignore the protections we have put in place for property owners then it might as well not be there. Thank you.

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

Senator **KATZ:** Thank you, Mr. President. I also apologize for rising a second time, but I do have a question to pose through the Chair, and I thank my colleague from Cumberland, Senator Diamond, for his comments. It certainly not the intention of anybody to make it more difficult to prosecute and move ahead with child pornography cases. My question is this, Mr. President, because my understanding is that this law has no impact whatsoever on the ability of the police to seize property in a criminal investigation and hold that property as evidence pending the outcome of the criminal case. At the outcome of the criminal case, if there were a forfeiture action that could proceed, that's fine, but I don't believe, or at least it's my understanding, that there's nothing in this bill which would interfere with the ability of the police to seize property as evidence in an ongoing criminal investigation or prosecution. My question is: am I incorrect in that assumption? Thank you.

**THE PRESIDENT:** The Senator from Kennebec, Senator Katz, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would be happy to respond. That's one of the questions that I posed to the people who do what I just explained, work on these cases, and it's so complex. The answer to your question, I believe, it would be there's more there than meets the eye and that is not simple, there's not a clear and cut line between what equipment should be returned and what needs to be kept, what needs to be kept, in their effort to halt the ongoing case, especially when they're trying to run down children around this state and around this country who are being abused. It's not a simple yes or no, but I can say to you that that whole process is not one that most of us would look at and say: "Yes, it's black or white. It's yes or no." Much more complicated than that, especially in seizing the property.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to support my colleagues on the other side of the aisle and I will be voting against the pending motion. In addition to the very impressive bi-partisan coalition of support for reform of our civil asset forfeiture laws, the civil rights community, both nationally and here in Maine, is unified on this issue. The Southern Poverty Law Center, the Leadership Conference on Civil and Human Rights, the NAACP have all issued substantial national reports and at the public hearing on this bill submitted testimony was from the ACLU of Maine, a

lawyer from the National Lawyers Guild, and the Maine Association of Criminal Defense Lawyers. I believe we can and must make reforms to the forfeiture aspect of this. This merely amends forfeiture and not the ability for law enforcement to secure evidence in proceedings. I do have a question posed through the Chair. That is: my reading of this bill does, in fact, still maintain, as Item 7A, computers in the list of materials that may be subject to forfeiture. It simply provides that people have to be convicted of a crime before permanent forfeiture occurs. That's a question, I guess: are computers still on the list of forfeited property under this legislation?

**THE PRESIDENT:** The Senator from Kennebec, Senator Bellows, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. Yes, Mr. President, I believe that is accurate.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just remember when we went through this in Criminal Justice it sounded all well and good when we first listened to it and then we listened to all sides and it was from both sides of the Senate and the House, both parties, that listened to this. If you look at the numbers, there are 11 members and one that voted for this bill and there are 11 that were against it. The reason is, it's just what Senator Diamond had pointed out. There are some loopholes which would cause some serious consequences of cases that the victims are going to end up really harmed by this. Most of the cases that you heard today were from out of state. Very rare that I've heard of any civil forfeitures that were not taken care of through the courts and so I think that, as Senator Diamond said, that maybe this is something that can be worked and a positive outcome can come out of it, but I believe if we vote for this today, to get this bill passed, it could actually have some negative consequences and I'd just hate to see that happen to our victims here in Maine. So please be cautious when you vote for this and I'm going to vote Ought Not to Pass.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen, 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 (#114)**

**YEAS:** Senators: BREEN, CARPENTER, CARSON, CHENETTE, COLLINS, CUSHING, CYRWAY, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, KEIM, LANGLEY, LIBBY, MILLETT, ROSEN, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

**NAYS:** Senators: BELLOWS, BRAKEY, CHIPMAN, DAVIS, DOW, HAMPER, KATZ, MASON, MIRAMANT, SAVIELLO

**EXCUSED:** Senator: MAKER

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (4/19/17) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Improve Requirements for Reporting to the Commission on Governmental Ethics and Election Practices"

H.P. 507 L.D. 716

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass** (6 members)

Tabled - April 19, 2017, by Senator **MASON** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS** Report in **NON-CONCURRENCE**

(In House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

On motion by Senator **MASON** of Androscoggin, the Minority **OUGHT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, Bill **READ TWICE**.

On motion by Senator **MASON** of Androscoggin, Senate Amendment "B" (S-57) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-57), in NON-CONCURRENCE.**

Sent down for concurrence.



The Chair laid before the Senate the following Tabled and Later Assigned (5/2/17) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Deter the Dealing of Dangerous Drugs"

S.P. 22 L.D. 42

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-50)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - May 2, 2017, by Senator **ROSEN** of Hancock

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-50) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Chair laid before the Senate the following Tabled and Later Assigned (5/4/17) matter:

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide for Municipalities To Allow Grocery Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas"

H.P. 351 L.D. 488

Majority - **Ought to Pass** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - May 4, 2017, by Senator **VOLK** of Cumberland

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

(In House, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

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 PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Chipman.

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. Maine is

one of a few states that allows, actually required, stores of a certain size to be closed on these three days of the year; Thanksgiving, Easter, and Christmas. I think it's one thing that makes Maine special. It's a place where if folks want to go to church on Easter or spend Thanksgiving Day with their families and have a meal they can do that without being required to work at a store. I think it's okay that three days out of the year that stores of a certain size are closed. It's not the end of the world. I worry about this bill, I know that it only affects grocery stores up to 10,000 square feet, but I worry about it because I think if this bill passes we will soon, almost certainly, see bills to allow other stores other than grocery stores up to 10,000 feet and eventually all stores to be open. You know, it's great, I think, that on Black Friday in Maine it doesn't start until midnight. If this passes we'll see Black Friday eventually starting at, you know, 4 o'clock in the afternoon, at 12 noon, and it really will just take away the opportunity that people have to spend with their families, to go to church, spend time doing things they want to do instead of having to work 365 days a year. It's three days out of the year. I'm opposed to the pending motion and I hope you will join me.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just a few brief words on this bill. This is one of those perennial bills. Those of us that have been here for a while, we know that some bills come around again and again and again. I suspect that having heard this bill four times now, or some version of it, that there are some communities in the State of Maine where people do not have access or the only convenience store for that one of two forgotten items on these important days where people cannot a smaller store that is in their community is just over that 10,000 square foot mark, which, incidentally, is about the size, we've been told, of your average Rite Aid. So, you know, we are just - this bill, we felt, was a really good compromise. It puts control over this issue into the local communities who know the communities, know the needs of the people that live there, know the owners, most likely, of these often locally owned stores, and it allows them to make that ultimate decision of whether or not to permit these stores to be open on these three days out of the year. So I would ask that you accept the Majority Ought to Pass Report. Thank you.

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

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**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk, to Accept the Majority Ought 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 (#115)**

YEAS: Senators: BRAKEY, BREEN, COLLINS, CUSHING, DIAMOND, DILL, DION, DOW, HAMPER, HILL, JACKSON, LANGLEY, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, CARPENTER, CARSON, CHENETTE, CHIPMAN, CYRWAY, DAVIS, DESCHAMBAULT, GRATWICK, KEIM, LIBBY, MASON, MILLETT

EXCUSED: Senators: KATZ, MAKER

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Chair laid before the Senate the following Tabled and Later Assigned (5/4/17) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Preserve Funding for the Maine Clean Election Act by Removing Gubernatorial Candidates from Eligibility"

H.P. 233 L.D. 300

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-83)** (6 members)

Tabled - May 4, 2017, by Senator **MASON** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**

(In House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

On motion by Senator **CARPENTER** 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 (#116)**

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

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

EXCUSED: Senators: KATZ, MAKER

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-83) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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

\_\_\_\_\_  
The Chair laid before the Senate the following Tabled and Later Assigned (5/4/17) matter:

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Regarding State Investments and the Dakota Access Pipeline" S.P. 320 L.D. 981

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-68)** (4 members)

Tabled - May 4, 2017, by Senator **HAMPER** of Oxford

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

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 PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Chipman.

Senator **CHIPMAN**: Thank you, Mr. President. Men and women of the Senate, the Dakota Access Pipeline is an ethnically and environmentally irresponsible project and today we have an opportunity to take a stand against it. This bill is pretty straight forward. It prohibits the Treasurer from depositing funds in any bank that is providing funds, extending credit, or otherwise engaged in the financing of the construction of the Dakota Access Pipeline. It also prohibits the Treasurer from investing in the securities of a corporation or company or other entity that is providing funds, extending credit, or otherwise engaged in financing of this project. Finally, the bill requires the Maine Public Employees Retirement System to divest its holdings in any corporation or company that is constructing or funding the construction of this project. This divestment would be completed by 2019. We've all heard about the problems with the DAPL project. I don't think the State of Maine should be involved in a corporate project that is threatening water rights, especially when the people whose water rights are being threatened were here before the State of Maine existed. The Standing Rock Sioux Tribe and other tribes near the proposed pipeline route oppose this project and we should stand with them. This pipeline is slated to run just upstream from the Standing Rock Sioux Tribe's reservation. Should a leak happen, their water source would be devastatingly harmed. Additionally, should the oil actually reach its destination safely, the use of that oil will contribute to unclean air and hasten climate change. This pipeline is unnecessary and it's being built to benefit oil companies at a time when we should be investing in clean, renewable sources of energy. If the State of Maine continues to invest in banks and companies involved in financing and constructing this pipeline we are investing in the fossil fuel industry. The State should invest in environmentally and responsible projects and we do have a choice in what banks we do business with. Maine should not be alone in divesting in DAPL. So far Seattle has taken a stand and moved not to renew its contract with Wells Fargo when it expires next year and will be incentivizing social responsibility when it puts out bids for its next banking partner. Davis, California, has taken a stand and will be finding a new bank when its contract runs out at the end of the year. San Francisco's board of supervisors has also taken a stand and voted in favor of divestment. Additionally, the Norwegian fund that manages the countries government employees' pensions has taken a stand and will also be divesting. In all honesty, I wish we could do more to respect the wishes of the Standing Rock Sioux Tribe. Like many others across the state, I was disappointed and upset when the U.S. Army Corps of Engineers granted the easement which cleared the way for this project to go forward. However, at a minimum, we must do what we can here in Maine. With the approval of this bill we can make sure our state isn't profiting off the tribe's pain and loss and a project that poses a real threat to their water supply. The federal government may have approved this pipeline but we don't need to be involved in financing it. Furthermore, I'd like to add that, indeed, it's state investment bills like this that led to an end to apartheid. This bill represents the real opportunity of the State of Maine to take a stand against this project and I hope you will join me in opposing the pending motion. Thank you.

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

Senator **DION**: Thank you, Mr. President. Ladies and gentlemen of this Chamber, I rise in opposition to the proposal advanced by

my good friend and brother from Cumberland County. I cannot support action, no matter how sympathetic the facts might be, that are occurring in another jurisdiction and will more likely be resolved at the federal level and not in this Chamber. My concern is if we allow a motion to go through, a Minority Report, that would compel divestiture. The constituency I'm worried about are the thousands of Maine people who have made contracts with the Maine PER System on the idea that their money was safe and that those trustees would make investments on their behalf for economic reasons only. That's the core of fiduciary responsibility; that you're investing other people's money on a trust that you will do so to advance their economic position. Had the good Senator from Cumberland announced a resolution that we take notice of a situation that maybe those boards of trustees might take into account during their investments, possibly that would pass muster, but to direct them to divest leads in an equation to the possibility that a change in their investment strategy will cause a loss for the beneficiaries, those who actually invested their money in the retirement system. Those are my neighbors. Those are my former co-workers. Those are people seated in this Chamber today. The pension system made a promise to us. We made our contributions. They are expected to act in a reasonable and prudent fashion to advance the economic interest of that pension system. They cannot, and should not, take account of changes in social political issues of the general population just for purposes of changing their investment strategy. In closing I would say this, the Board of Trustees for the retirement system has recognized the challenges raised by those who speak of divestiture and in 2014 established a task force to consider under what circumstances they would evaluate, or assess, these changing political and cultural issues that may or may not have any relevance to how they invest pensioner's and beneficiary's monies. I cannot vote for any motion that would interfere in that relationship. That is my primary responsibility as a Senator representing all those who made contract with the pension system and whose monies they invest with. Thank you.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Oxford, Senator Hamper, 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 (#117)**

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, KEIM, LANGLEY, MASON, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, JACKSON, LIBBY, MILLETT, MIRAMANT, ROSEN, VITELLI

EXCUSED: Senators: KATZ, MAKER

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **HAMPER** of Oxford to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Appropriate Funds To Provide Sea Protection and Public Access to the Historic Whaleback Lighthouse in Kittery"  
H.P. 1090 L.D. 1586

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

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

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Bill "An Act To Provide Economic Security to Maine Families through the Creation of a Paid Family Medical Leave System"  
H.P. 1091 L.D. 1587

Bill "An Act To Remove Barriers to Professional Licensing for Veterans"  
H.P. 1096 L.D. 1592

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.

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Bill "An Act To Maintain Mail Routes and Access to Residential Structures"  
H.P. 1092 L.D. 1588

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.

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Bill "An Act To Simplify the Taxation of Leasing Tangible Personal Property and To Clarify the Incidence of Use Tax"  
H.P. 1093 L.D. 1589

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.

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Bill "An Act To Strengthen the Restrictions Governing Lobbying by Former Legislators and Former Executive Branch Officials"  
H.P. 1095 L.D. 1591

Comes 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.

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

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On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Thursday, May 11, 2017 at 10:00 in the morning in memory of and lasting tribute to Senior Chief Petty Officer Kyle J. Milliken of Falmouth.