

# MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

First Regular Session  
beginning December 7, 2016

beginning at Page 1

STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Thursday  
May 11, 2017

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

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Prayer by Senator Nathan L. Libby of Androscoggin County.

**SENATOR LIBBY:** Good morning. I'd like to share a prayer with you. It's a prayer for peace delivered by the Archbishop of the Church of England a couple of years ago. Please bow your heads.

Gracious Creator, we pray for peace in our communities this day. We commit to You all who work for peace and to end tensions, and those who work to uphold law and justice. We pray for an end of fear, for comfort and support to those who suffer, for calm in our streets and cities, that people may go about their lives in safety and peace. Amen.

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Pledge of Allegiance led by Senator Justin M. Chenette of York County.

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Reading of the Journal of Tuesday, May 9, 2017.

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Doctor of the day, A. Jan Berlin, M.D. of Portland.

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Off Record Remarks

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Out of order and under suspension of the Rules, on motion by Senator **CUSHING** of Penobscot, the following Joint Order:  
S.P. 562

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, May 16, 2017 at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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PAPERS FROM THE HOUSE

Joint Resolutions

The following Joint Resolution:

H.P. 987

**JOINT RESOLUTION  
MAKING APPLICATION TO THE CONGRESS OF  
THE UNITED STATES FOR CALLING A  
CONVENTION TO PROPOSE AMENDMENTS TO THE  
CONSTITUTION OF THE UNITED STATES TO LIMIT  
THE POWER OF THE FEDERAL GOVERNMENT**

WHEREAS, executive orders by the President of the United States have become a vehicle through which the President may overstep the limits of the President's constitutional authority; and

WHEREAS, the concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations and special interests in Washington, D.C.; and

WHEREAS, much of federal law is now made by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

WHEREAS, policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

WHEREAS, the Federal Government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, the Federal Government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

WHEREAS, the states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the United States Constitution through a limited convention of the states under Article V; and

WHEREAS, under the United States Constitution, Article V, the Congress of the United States, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the United States Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments that, in either case, shall be valid to all intents and purposes, as part of the United States Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; now, therefore, be it

RESOLVED: That the Legislature of Maine hereby applies to the Congress of the United States, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing amendments to the United States Constitution that impose fiscal restraints on the Federal Government, limit the power and jurisdiction of the Federal Government and limit the terms of office for its officials and for members of Congress; and be it further

RESOLVED: That this application constitutes a continuing application in accordance with Article V of the United States Constitution until the legislatures of at least 2/3 of the several states have made applications on the same subject; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Secretary of the Senate and presiding officers of both houses of the legislatures of each of the several states in the nation, the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate and each member of the Maine Congressional Delegation.

Comes from the House, **READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

**READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

The following Joint Resolution:

H.P. 1094

**JOINT RESOLUTION  
TO RECOGNIZE MAY 6 to 12, 2017  
AS NATIONAL NURSES WEEK**

WHEREAS, the nearly 3,400,000 registered nurses in the United States constitute our nation's largest health care profession; and

WHEREAS, the depth and breadth of the registered nursing profession meet the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, the American Nurses Association, as the voice for the registered nurses of this country, is working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventive health care; and

WHEREAS, a renewed emphasis on primary and preventive health care will require better utilization of all of our nation's registered nursing resources; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component of the safety and quality of care of hospitalized patients; and

WHEREAS, the demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technologies and the explosive growth of home health care services; and

WHEREAS, more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in the State; and

WHEREAS, the cost-effective, safe and high-quality health care services provided by registered nurses will be an increasingly important component of the national health care delivery system in the future; and

WHEREAS, along with the American Nurses Association, the American Nurses Association - Maine has declared May 6 to 12, 2017 as National Nurses Week, with the theme "Culture of Safety - It Starts with You," in celebration of the ways in which registered nurses strive to provide safe and high-quality patient care and to map out the way to improve our health care system; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the First Regular Session, recognize May 6 to 12, 2017 as National Nurses Week

to celebrate registered nurses' accomplishments and efforts to improve our health care system and show our appreciation for the nation's registered nurses not just during this week but at every opportunity throughout the year and ask that all residents of this State join in honoring the registered nurses who care for all of us.

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

**READ.**

On motion by Senator **LIBBY** of Androscoggin, **TABLED** until Later in Today's Session, pending **ADOPTION**, in concurrence.

**COMMUNICATIONS**

The Following Communication: S.C. 383

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

May 5, 2017

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Veterans and Legal Affairs has had under consideration the nomination of Honorable Richard A. Nass of Acton, for reappointment to the Commission on Governmental Ethics and Election Practices.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Mason of Androscoggin, Carpenter of Aroostook, Collins of York
	Representatives	9	Luchini of Ellsworth, Casas of Rockport, Dillingham of Oxford, Farrin of Norridgewock, Hanington of Lincoln, Hickman of Winthrop, Longstaff of Waterville, Monaghan of Cape Elizabeth, Schneck of Bangor
NAYS		0	
ABSENT		1	Rep. White of Washburn

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Honorable Richard A. Nass of Acton, for reappointment to the Commission on Governmental Ethics and Election Practices be confirmed.

Signed,

S/Garrett P. Mason  
Senate Chair

S/Louis J. Luchini  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#118)**

YEAS: Senators: None

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

EXCUSED: Senators: CARPENTER, DION, KEIM, MASON

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Richard A. Nass** of Acton for reappointment to the Commission on Governmental Ethics and Election Practices was **CONFIRMED**.

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

**ORDERS OF THE DAY**

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Today Assigned matter:

JOINT RESOLUTION - May 6 to 12, 2017 as National Nurses Week

H.P. 1094

Tabled - May 11, 2017, by Senator **LIBBY** of Androscoggin

Pending - **ADOPTION**, in concurrence

(In House, **READ** and **ADOPTED**.)

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

Senator **GRATWICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I request to speak just briefly on this. This is in honor of the Nurses Day here. Just as background, I've referred a number of patients for second and third opinions sometimes to Boston, to New York, to the Mayo Clinic, or whatever. People come back. They're pleased with their medical opinions, but they routinely say that they get the absolute best nursing care here in Maine. Maine nurses are truly extraordinary. They're involved. They're well trained. They're really bright. More often women than men. They really represent the best that Maine has to give and, thus, I applaud Maine nurses, as I think we all do. Thank you very much, Mr. President.

**ADOPTED**, in concurrence.

The Following Communication: S.C. 384

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

May 5, 2017

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Veterans and Legal Affairs has had under consideration the nomination of Patricia A. Rice of Veazie, for reappointment to the State Liquor and Lottery Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Mason of Androscoggin, Carpenter of Aroostook, Collins of York
	Representatives	9	Luchini of Ellsworth, Casas of Rockport, Dillingham of Oxford, Farrin of Norridgewock, Hanington of Lincoln, Hickman of Winthrop, Longstaff of Waterville, Monaghan of Cape Elizabeth, Schneck of Bangor

NAYS 0

ABSENT 1 Rep. White of Washburn

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Patricia A. Rice of Veazie, for reappointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/Garrett P. Mason  
Senate Chair

S/Louis J. Luchini  
House Chair

#### READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#119)

YEAS: Senators: None

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

EXCUSED: Senators: CARPENTER, DION, KEIM, MASON

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Patricia A. Rice** of Veazie for reappointment to the State Liquor and Lottery Commission was **CONFIRMED**.

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

The Following Communication: S.C. 385

#### STATE OF MAINE ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE COMMITTEE ON LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

May 5, 2017

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Adrian P. Kendall, Esq. of Cumberland, for appointment to the Maine Rural Development Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Volk of Cumberland, Bellows of Kennebec
	Representatives	6	Austin of Gray, Dunphy of Old Town, Handy of Lewiston, Mastraccio of Sanford, Stetkis of Canaan, Vachon of Scarborough
NAYS		0	
ABSENT		5	Sen. Langley of Hancock, Rep. Fecteau of Biddeford, Rep. Bates of Westbrook, Rep. Lockman of Amherst, Rep. Sylvester of Portland

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Adrian P. Kendall, Esq. of Cumberland, for appointment to the Maine Rural Development Authority be confirmed.

Signed,

S/Amy F. Volk  
Senate Chair

S/Ryan M. Fecteau  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#120)**

YEAS: Senators: None

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

EXCUSED: Senators: CARPENTER, DION, KEIM, MASON

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Adrian P. Kendall**, Esq. of Cumberland for appointment to the Maine Rural Development Authority was **CONFIRMED**.

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

The Following Communication: S.C. 389

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 8, 2017

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Truman J. Slocum of Phippsburg, for appointment to the Maine Maritime Academy, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	1	Millett of Cumberland
	Representatives	8	Kornfield of Bangor, Daughtry of Brunswick, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Sampson of Alfred, Turner of Burlington
NAYS		0	
ABSENT		4	Sen. Langley of Hancock, Sen. Maker of Washington, Rep. Pierce of Falmouth, Rep. Stewart of Presque Isle

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Truman J. Slocum of Phippsburg, for appointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley  
Senate Chair

S/Tori P. Kornfield  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#121)**

YEAS: Senators: None

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

EXCUSED: Senators: CARPENTER, DION, KEIM, MASON

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Truman J. Slocum** of Phippsburg for appointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 390

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

May 9, 2017

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Energy, Utilities and Technology has had under consideration the nomination of Honorable Barry J. Hobbins, Esq. of Saco, for appointment as the Public Advocate.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Woodsome of York, Cushing of Penobscot, Dion of Cumberland
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Representatives 7

Berry of Bowdoinham, Cooper of Yarmouth, DeChant of Bath, Harvell of Farmington, O'Connor of Berwick, Riley of Jay, Wadsworth of Hiram

NAYS 0

ABSENT 3 Rep. Hanley of Pittston, Rep. Rykerson of Kittery, Rep. Sanborn of Portland

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Honorable Barry J. Hobbins, Esq. of Saco, for appointment as the Public Advocate be confirmed.

Signed,

S/David Woodsome  
Senate Chair

S/Seth A. Berry  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise because I had every intension of testifying in favor of Senator Hobbins at this confirmation hearing. I had to leave for another meeting. By the time I got back I was too late, but I do want to just say a couple of things. Barry Hobbins was elected to the Legislature long before I was and so he's had a extensive history, both in public service, serving in both Chambers. Also if you look at his civic background, his generosity has been really remarkable. So he has a lot of positive activities in his life, a lot of good things, integrity. Beyond that I think when he gets to this office what better office for someone with his background to now be running and I'm proud that he's going to be there. I think the people of Maine will benefit. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise as a member of the committee and on behalf of our caucus to say that we are very pleased to have the gentleman before us. We reviewed his information. We heard from a number of individuals at the committee hearing, many in this and the other Body, those who have served with Barry, those who recognize fully his characteristics, his capabilities, and the issues that he will have to deal with as a voice for the public on utility matters will allow him to serve this state in another capacity beyond what he has, and I'm very pleased to be able to, with full knowledge of what we're asking of him, vote for him today. Thank you, Mr. President.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** be overridden?"



In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#122)**

YEAS: Senators: None

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

EXCUSED: Senators: CARPENTER, DION, KEIM, MASON

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Barry J. Hobbins**, Esq. of Saco for appointment as the Public Advocate was **CONFIRMED**.

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

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The Following Communication: S.C. 380

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

May 9, 2017

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

Dear President Thibodeau:

This is to inform you that I am today nominating Michael R. Currie of Falmouth for appointment to the Board of Trustees, Maine Public Employees Retirement System.

Pursuant to Title 5, MRSA §17102, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Appropriations and Financial Affairs.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 381

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

May 9, 2017

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

Dear President Thibodeau:

This is to inform you that I am today nominating Alvin K. Ahlers of North Yarmouth for reappointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA §341-C, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 382

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

May 9, 2017

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

Dear President Thibodeau:

This is to inform you that I am today nominating The Hon. James W. Parker of Veazie for reappointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA §341-C, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 386

**STATE OF MAINE  
ONE HUNDRED AND TWENTY EIGHTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 8, 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 Sen. Millett of Cumberland, to report the following bill Leave to Withdraw:

L.D. 380 An Act To Implement the Federal Every  
Student Succeeds Act in Maine

Sincerely,

S/Sen. Brian D. Langley  
Senate Chair

S/Rep. Tori P. Kornfield  
House Chair

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

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The Following Communication: S.C. 387

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

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

L.D. 1092 An Act To Exempt United States Military  
Recruiters from Paying Fees for Criminal  
History Record Checks

L.D. 1333 An Act To Enact the Drug Trafficking Offender  
Registration and Notification Act

L.D. 1526 An Act To Provide Funds for Access to Federal  
Training Facilities for First Responders  
(EMERGENCY)

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.**

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The Following Communication: S.C. 391

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

May 4, 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 Taxation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 16 An Act To Exempt Certain Individuals Who Are  
70 Years of Age or Older from Maine Income  
Tax

L.D. 311 An Act To Eliminate Corporate Welfare and  
Provide Tax Relief

- L.D. 621 An Act To Retain Professionals and Attract Professionals to Maine by Amending Maine's Income Tax Code
- L.D. 664 An Act To Exempt Gold and Silver Coins and Bullion from Sales Tax
- L.D. 783 An Act Regarding Business Income Tax
- L.D. 1076 An Act To Replace Municipal Property Tax Revenue Lost Due to Land Acquisitions under the Land for Maine's Future Fund
- L.D. 1227 An Act To Restore to Five Percent the State-Municipal Revenue Sharing Distribution and Create a Matching Fund for Local Road and Bridge Construction, Maintenance and Reconstruction
- L.D. 1246 An Act To Provide Landowners a Property Tax Exemption for Certain Trails

This is notification of the Committee's action.

Sincerely,

S/Sen. Dana L. Dow  
Senate Chair

S/Rep. Ryan Tipping  
House Chair

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

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

The Following Communication: S.C. 392

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

9 May 2017

The 128th Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 992, "An Act To Authorize Moving the Town Line between Baileyville and Baring Plantation."

The Town of Baileyville built the "Baileyville Commercial Park." Baileyville built roads to the park and installed sewer and water service. Two lots in the park have now been sold. Only after this had all taken place was it discovered that the "Baileyville Commercial Park" is not actually located in Baileyville. It turns out the park is actually located in Baring Plantation. This bill was submitted in order to move the boundaries of the Town of Baileyville to include approximately 60 acres upon which the commercial park was built.

My objection to this bill is that boundaries exist for reasons, and there should be compelling reasons for them to be changed. It is incumbent on planners to understand what land belongs to them before they begin building. I believe there are other options available to the towns that do not require their boundaries to be moved.

For this reason, I return LD 992 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ** and **ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Authorize Moving the Town Line between Baileyville and Baring Plantation

S.P. 331 L.D. 992

The Following Communication: H.C. 157

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

May 9, 2017

The Honorable Heather J.R. Priest  
Secretary of the Senate  
128th Maine Legislature  
Augusta, Maine 04333

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought to Pass as Amended Report of the Committee on Transportation on Bill "An Act To Amend the Laws Governing the State's Rail Authority" (S.P. 241) (L.D. 724) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-42).

Sincerely,

S/Robert B. Hunt  
Clerk of the House

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

### ROLL CALL (#123)

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

NAYS: Senators: None

EXCUSED: Senators: CARPENTER, DION, KEIM, MASON

31 Senators having voted in the affirmative and no Senator having voted in the negative, with 4 Senators being excused, and 31 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

---

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

---

Senate at Ease.

The Senate was called to order by the President.

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Off Record Remarks

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### SENATE PAPERS

Bill "An Act To Exempt from Sales Tax the Fee Associated with the Paint Stewardship Program"

S.P. 561 L.D. 1597

Presented by Senator BREEN of Cumberland.

Cosponsored by Representative TUCKER of Brunswick and Senators: CHENETTE of York, DAVIS of Piscataquis, DOW of Lincoln, SAVIELLO of Franklin.

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

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

Sent down for concurrence.

---

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

### REPORTS OF COMMITTEES

#### House

#### Change of Committee

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Epidemic of Opiate Abuse"

H.P. 983 L.D. 1429

Reported that the same be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

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

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in concurrence.

#### Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 941 L.D. 1364

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

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

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

Resolve **READ ONCE**.

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

---

**Ought to Pass As Amended**

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Charter of the Richmond Utilities District"

H.P. 537 L.D. 757

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-115)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-115)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-115) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **JUDICIARY** on Bill "An Act To Protect Personal Information of Participants in a Community Well-being Check Program"

H.P. 152 L.D. 196

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-126)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-126)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-126) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Requirements for Licensure as an Independent Practice Dental Hygienist"

H.P. 763 L.D. 1085

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-119)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-119)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-119) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **TRANSPORTATION** on Resolve, To Name the Bridge over the Androscoggin River between the Towns of Peru and Mexico the Buddy Wendall McLain Bridge

H.P. 969 L.D. 1395

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-125)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-125)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-125) **READ** and **ADOPTED**, in concurrence.

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

---

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Funding for Preschool Programs"

H.P. 419 L.D. 603

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-98)**.

Signed:

Senator:  
MILLETT of Cumberland

Representatives:

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

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

Signed:

Senators:

LANGLEY of Hancock  
MAKER of Washington

Representatives:

GINZLER of Bridgton  
SAMPSON of Alfred  
STEWART of Presque Isle

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-98)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#124)**

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

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

EXCUSED: Senators: CARPENTER, DION, KEIM, MASON

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

---

**Divided Report**

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Include 50 Milliliter and Smaller Liquor Bottles in the Laws Governing Returnable Containers"

H.P. 43 L.D. 56

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-107)**.

Signed:

Senators:

SAVIELLO of Franklin  
GRATWICK of Penobscot  
VOLK of Cumberland

Representatives:

TUCKER of Brunswick  
CAMPBELL of Orrington  
DUCHESNE of Hudson  
FAY of Raymond  
HARLOW of Portland  
MARTIN of Eagle Lake  
ZEIGLER of Montville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-108)**.

Signed:

Representatives:

KINNEY of Limington  
PIERCE of Dresden  
STROM of Pittsfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107) AS AMENDED BY HOUSE AMENDMENT "A" (H-132)** thereto.

Reports **READ**.

Senator **SAVIELLO** of Franklin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107)** Report, in concurrence.

---

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Concerning Screening of Newborns for Lysosomal Storage Disorders"

H.P. 198 L.D. 265

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

Signed:

Senators:

BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:

HYMANSON of York  
CHACE of Durham  
DENNO of Cumberland  
MALABY of Hancock  
PERRY of Calais  
SANDERSON of Chelsea

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-110)**.

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

MADIGAN of Waterville  
PARKER of South Berwick

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

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#125)**

YEAS: Senators: BRAKEY, COLLINS, CUSHING, DILL, DOW, HAMPER, HILL, KATZ, KEIM, LANGLEY, MAKER, ROSEN, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, GRATWICK, JACKSON, LIBBY, MILLETT, MIRAMANT, SAVIELLO

EXCUSED: Senators: CARPENTER, DION, MASON

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

---

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities" H.P. 292 L.D. 401

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-109)**.

Signed:

Senators:

BRAKEY of Androscoggin  
CHIPMAN of Cumberland

Representatives:

HYMANSON of York  
CHACE of Durham  
DENNO of Cumberland  
HAMANN of South Portland  
HEAD of Bethel  
MADIGAN of Waterville  
MALABY of Hancock  
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:

Senator:

HAMPER of Oxford

Representative:

SANDERSON of Chelsea

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-109)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-109) **READ** and **ADOPTED**, in concurrence.

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

---

**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Provide Flexibility in the Purchase of Lobster and Crab Trap Tags"

H.P. 157 L.D. 201

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

Signed:

Senators:  
MAKER of Washington  
VITELLI of Sagadahoc

Representatives:  
KUMIEGA of Deer Isle  
ALLEY of Beals  
BATTLE of South Portland  
BLUME of York  
HAWKE of Boothbay Harbor  
SIMMONS of Waldoboro  
SUTTON of Warren  
TUELL of East Machias

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-105)**.

Signed:

Representative:  
DEVIN of Newcastle

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

Reports **READ**.

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

---

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Increase Funding for Multimodal Transportation"  
H.P. 84 L.D. 116

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-101)**.

Signed:

Senator:  
CHENETTE of York

Representatives:  
TIPPING of Orono  
COOPER of Yarmouth  
GRANT of Gardiner  
McCREIGHT of Harpswell  
STANLEY of Medway  
TERRY of Gorham

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

Signed:

Senators:  
DOW of Lincoln  
CUSHING of Penobscot

Representatives:  
BICKFORD of Auburn  
HILLIARD of Belgrade  
POULIOT of Augusta  
WARD of Dedham

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-101)**.

Reports **READ**.

On motion by Senator **DOW** of Lincoln, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

---

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt Certain Disabled Veterans from the Motor Vehicle Excise Tax"

H.P. 252 L.D. 338

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



Signed:

Senators:

DOW of Lincoln  
CUSHING of Penobscot

Representatives:

TIPPING of Orono  
BICKFORD of Auburn  
COOPER of Yarmouth  
GRANT of Gardiner  
HILLIARD of Belgrade  
McCREIGHT of Harpswell  
POULIOT of Augusta  
STANLEY of Medway  
TERRY of Gorham  
WARD of Dedham

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

Signed:

Senator:

CHENETTE of York

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

Reports **READ**.

Senator **DOW** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **CHENETTE** of York, 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 York, Senator Chenette.

Senator **CHENETTE:** Thank you, Mr. President. This issue is simply too important to sweep under the hammer. L.D. 338 would provide an excise tax exemption for all veterans who are 100% permanently service connected disabled. Currently 100% disabled veterans receiving a free automobile by the United States Government are already exempt from the excise tax. These vehicles are also exempt from motor vehicle registration and title fees. This bill would expand the excise tax exemption to all 100% disabled veterans, making it consistent in statute for all disabled veterans. Currently 100% disabled veterans pay the excise tax but are exempt from motor vehicle registration fees for one automobile. Currently there are approximately 3,270 disabled veteran's registrations receiving free registrations. Excise tax is paid on almost all of these registrations. These are the people we are seeking to help. As we near Memorial Day, Mr. President, I urge this Body to support our brave men and women by giving the same benefit as their fellow service members. Thank you, Mr. President.

At the request of Senator **SAVIELLO** of Franklin, Reports **READ**.

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

Senator **CARSON:** Thank you, Mr. President. I rise to speak in opposition to the Majority Ought Not to Pass Report. I want to add a note for all of my colleagues, ladies and gentlemen of the State Senate, that this bill actually speaks to the need to exempt excise tax payment for 100% service connected disabled veterans. So it's not just 100% disabled, but it is those who have fought in wars or otherwise incurred their 100% service connected disability in the line of duty. I fully recognize the need to conserve financial resources and that our municipalities and our state need taxes, but I think for those who have served in war, who have incurred full disability in the line of duty, this is a very modest step. So I urge rejection of the Ought Not to Pass Report and I would like to see this bill enacted. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#126)

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

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

EXCUSED: Senators: CARPENTER, DION, MASON

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **DOW** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

---

#### Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Restore the Tax Deduction for Contributions to College Savings Accounts"

H.P. 436 L.D. 620

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

Signed:

Senators:

DOW of Lincoln  
CUSHING of Penobscot

Representatives:

BICKFORD of Auburn  
COOPER of Yarmouth  
GRANT of Gardiner  
HILLIARD of Belgrade  
STANLEY of Medway  
TERRY of Gorham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-102)**.

Signed:

Senator:

CHENETTE of York

Representatives:

TIPPING of Orono  
McCREIGHT of Harpswell  
POULIOT of Augusta  
WARD of Dedham

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

Reports **READ**.

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

---

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Expand the Authority of Municipalities To Implement a Property Tax Deferral Program"

H.P. 623 L.D. 874

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

Signed:

Senators:

DOW of Lincoln  
CUSHING of Penobscot

Representatives:

COOPER of Yarmouth  
HILLIARD of Belgrade  
POULIOT of Augusta  
STANLEY of Medway  
WARD of Dedham

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

Signed:

Senator:

CHENETTE of York

Representatives:

TIPPING of Orono  
BICKFORD of Auburn  
GRANT of Gardiner  
McCREIGHT of Harpswell  
TERRY of Gorham

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

Reports **READ**.

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

---

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act Regarding the Exclusive Use of Tax Exempt Property"  
H.P. 785 L.D. 1121

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

Signed:

Senators:

DOW of Lincoln  
CHENETTE of York  
CUSHING of Penobscot

Representatives:

TIPPING of Orono  
BICKFORD of Auburn  
COOPER of Yarmouth  
GRANT of Gardiner  
HILLIARD of Belgrade  
McCREIGHT of Harpswell  
STANLEY of Medway  
TERRY of Gorham  
WARD of Dedham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-104)**.

Signed:

Representative:

POULIOT of Augusta

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

Reports **READ**.

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

---

**Senate**

**Ought to Pass**

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend Criteria for Issuing a Certificate of Approval for Certain Projects under the Finance Authority of Maine Act" (EMERGENCY)

S.P. 528 L.D. 1503

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

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

Bill **READ ONCE**.

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

---

**Ought to Pass As Amended**

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Imposition of an Automatic Life Sentence in the Case of Domestic Abuse Resulting in Murder"

S.P. 151 L.D. 449

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-79)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-79) **READ** and **ADOPTED**.

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

---

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances"

S.P. 203 L.D. 588

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-80)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-80) **READ** and **ADOPTED**.

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

---

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Court Orders for Completion of a Batterers' Intervention Program in Domestic Violence Cases"

S.P. 259 L.D. 814

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-83)**.

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

Bill **READ ONCE**.

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

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

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Senator SAVIELLO for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Modernize the Voluntary Response Action Program Funding Process"

S.P. 421 L.D. 1258

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-76)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-76) **READ** and **ADOPTED**.

**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 Expand Substance Abuse Prevention Projects"

S.P. 213 L.D. 651

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

Signed:

NADEAU of Winslow  
RECKITT of South Portland

Senators:

ROSEN of Hancock  
CYRWAY of Kennebec  
DIAMOND of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-82).**

Representatives:

COREY of Windham  
GERRISH of Lebanon  
HERRICK of Paris  
MAREAN of Hollis

Signed:

Representatives:

WARREN of Hallowell  
LONGSTAFF of Waterville  
TALBOT ROSS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-81).**

Reports **READ.**

Signed:

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

Representatives:

WARREN of Hallowell  
GROHMAN of Biddeford  
LONGSTAFF of Waterville  
NADEAU of Winslow  
RECKITT of South Portland  
TALBOT ROSS of Portland

Sent down for concurrence.

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#### Divided Report

Reports **READ.**

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Law Regarding Recreational Gold Prospecting" (EMERGENCY)  
S.P. 458 L.D. 1350

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

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

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Signed:

Senators:

SAVIELLO of Franklin  
GRATWICK of Penobscot  
VOLK of Cumberland

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#### Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Give the Courts Sentencing Discretion When a Person with a Developmental Disability Has Been Convicted of a Crime"

S.P. 227 L.D. 665

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

Signed:

Senators:

ROSEN of Hancock  
CYRWAY of Kennebec  
DIAMOND of Cumberland

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

Signed:

Representative:

STROM of Pittsfield

Representatives:

COREY of Windham  
GERRISH of Lebanon  
GROHMAN of Biddeford  
HERRICK of Paris  
MAREAN of Hollis

Reports **READ.**

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Youth Cancer Risk"  
S.P. 289 L.D. 889

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

Signed:

Senator:  
CHIPMAN of Cumberland

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

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Lung Cancer Screening for MaineCare Recipients"

S.P. 237 L.D. 720

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-86)**.

Signed:

Senator:  
CHIPMAN of Cumberland

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

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide for the Comprehensive Medical, Dental, Educational and Behavioral Assessment of Children Entering State Custody"

S.P. 197 L.D. 582

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-85)**.

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**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Senator **CHIPMAN** of Cumberland requested a Roll Call.

---

Senate at Ease.

The Senate was called to order by the President.

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Senator **CHIPMAN** of Cumberland requested and received leave of the Senate to withdraw his request for a Roll Call.

On motion by Senator **BRAKEY** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**

Bill **READ ONCE**.

Committee Amendment "A" (S-85) **READ** and **ADOPTED**.

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

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#### Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Fees To Be Charged for Wild Game Dinners"

S.P. 202 L.D. 587

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  
NADEAU of Winslow  
REED of Carmel  
STEARNS of Guilford  
THERIAULT of China

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-84)**.

Signed:

Representatives:

MASON of Lisbon  
WOOD of Greene

Reports **READ**.

Senator **CYRWAY** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Senator **CUSHING** of Penobscot requested a Roll Call.

---

Senate at Ease.

The Senate was called to order by the President.

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Senator **CUSHING** of Penobscot requested and received leave of the Senate to withdraw his request for a Roll Call.

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **CYRWAY** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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#### Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Regarding Drug Testing in the Transportation Sector"  
S.P. 481 L.D. 1403

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

Signed:

Senators:

COLLINS of York  
ROSEN of Hancock

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-87).**

Signed:

Senator:

MIRAMANT of Knox

Representative:

BRYANT of Windham

Reports **READ.**

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

Sent down for concurrence.

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**Divided Report**

Eleven members of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions" S.P. 140 L.D. 413

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

Signed:

Senators:

MASON of Androscoggin  
CARPENTER of Aroostook  
COLLINS of York

Representatives:

LUCHINI of Ellsworth  
DILLINGHAM of Oxford  
FARRIN of Norridgewock  
HANINGTON of Lincoln  
LONGSTAFF of Waterville  
MONAGHAN of Cape Elizabeth  
SCHNECK of Bangor  
WHITE of Washburn

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-77).**

Signed:

Representative:

CASÁS of Rockport

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-78).**

Signed:

Representative:

HICKMAN of Winthrop

Reports **READ.**

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT.**

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

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**SECOND READERS**

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

**House**

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

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

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

---

**House As Amended**

Bill "An Act To Exempt Sales to Parent-Teacher Organizations from the Sales Tax"

H.P. 28 L.D. 27  
(C "A" H-100)

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

Bill "An Act To Amend the Laws Governing Temporary Sign Usage"

H.P. 165 L.D. 209  
(C "A" H-111)

**READ A SECOND TIME.**

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

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Bill "An Act To Expand Disabled Veteran Eligibility for Complimentary Hunting, Fishing and Trapping Licenses"

H.P. 208 L.D. 275  
(C "A" H-97)

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

---

Bill "An Act To Preserve Funding for the Maine Clean Election Act by Removing Gubernatorial Candidates from Eligibility"

H.P. 233 L.D. 300  
(C "A" H-83)

**READ A SECOND TIME.**

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

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Resolve, To Establish the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services (EMERGENCY)

H.P. 456 L.D. 642  
(C "A" H-106)

Bill "An Act To Authorize Funding for Transitional Housing for Women Veterans and Their Families"

H.P. 572 L.D. 792  
(C "A" H-58)

Bill "An Act To Align State Relocation Assistance with That of the Federal Government"

H.P. 915 L.D. 1318  
(C "A" H-112)

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

---

Senator **ROSEN** of Hancock requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Legislative Day.

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**Senate As Amended**

Bill "An Act To Deter the Dealing of Dangerous Drugs"  
S.P. 22 L.D. 42  
(C "A" S-50)

Bill "An Act Regarding the Payment of Back Child Support"  
S.P. 30 L.D. 81  
(C "A" S-75)

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  
(C "A" S-70)

Bill "An Act To Protect Maine's Clean Water and Taxpayers from Mining Pollution"  
S.P. 265 L.D. 820  
(C "A" S-73)

Bill "An Act To Promote Medical Care for Visiting Athletic Teams"  
S.P. 324 L.D. 985  
(C "A" S-71)

Bill "An Act To Amend the Insurance Laws Governing the Provision of Rebates"  
S.P. 382 L.D. 1161  
(C "A" S-72)

**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.

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**ENACTORS**

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

**Emergency Measure**

An Act To Provide for the 2017 and 2018 Allocations of the State Ceiling on Private Activity Bonds  
S.P. 343 L.D. 1037  
(C "A" S-44)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senator having voted in the negative, and 32 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.



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**Acts**

Act To Protect the Confidentiality of State and Local Government Employees' Private Information

H.P. 104 L.D. 146  
(C "A" H-85)

An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons

S.P. 179 L.D. 518  
(C "A" S-45)

**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 Return the Normal Cost of Teacher Retirement to the State

H.P. 417 L.D. 601  
(C "A" H-73)

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

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

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**Off Record Remarks**

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**RECESSED** until the sound of the bell.

After Recess the Senate was called to order by the President.

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**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Promote Keeping Workers in Maine"  
H.P. 350 L.D. 487

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-49)** (6 members)

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

Tabled - May 2, 2017, by Senator **VOLK** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, Report "A" **OUGHT TO PASS AS AMENDED, READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49).**)

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** Report "B" **OUGHT NOT TO PASS**, in **NON-CONCURRENCE**.

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

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

Senator **BELLOWS:** Thank you, Mr. President. So when I entered the workforce just about 20 years ago the so-called non-compete agreement was not widely used. It was for high tech workers and executives at the highest level and it was to limit someone leaving a business and taking that intellectual capital and starting up a competing business or going to a competitor and then entering into unfair business practices. What we have seen, and we saw data in committee from the U.S. Treasury and also from media reports, is that the use of non-compete agreements has risen dramatically across all sectors, including to low wage workers and including here in Maine. We heard two compelling stories in committee. A young woman in Maine, who was a speech therapist, who signed a non-compete and then left employment within the first year and was, unfortunately, because of the non-compete agreement, sued by her prior employer and capped from finding employment in Maine. She had to leave the state. Another young woman, a web developer, also was forced to sign a non-compete. What this bill does, as amended, and the reason I'm urging you to oppose the pending motion, is that it would limit the use of non-competes, it would prohibit them for entry level workers making up to or less than 300% of the poverty line. That's \$31,000 or less. This is a way to keep workers in Maine and ensure that workers can be free to work in the industry of their choice. So I think this is the way to keep young people in Maine. I think this is a pro-business, pro-worker bill, and I urge you to oppose the pending motion.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#127)**

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

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

EXCUSED: Senators: CARPENTER, DION, MASON

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** Report "**B**" **OUGHT NOT TO PASS**, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

---

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

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

S.P. 341 L.D. 1034

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-34)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-35)** (5 members)

Tabled - May 4, 2017, by Senator **COLLINS** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, April 27, 2017, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-35).**)

(In House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-34)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-34)** in **NON-CONCURRENCE**.)

On motion by Senator **COLLINS** of York, the Senate **INSISTED**.

Sent down for concurrence.

---

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 Establish a Conditional Presumption of Compensability for Corrections Employees in Cases of Impairment from Hypertension or Heart Disease" H.P. 557 L.D. 777

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-81)** (6 members)

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

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

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

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

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores" S.P. 13 L.D. 34

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-63)** (6 members)

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

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

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

Senator **CHIPMAN:** Thank you, Mr. President. I would urge the Body to join me in opposing this pending motion. This bill is a perennial bill that's at us in the past. We've defeated it before and we'll defeat it again. This bill would, essentially, allow smoking in bars, which we've already gotten rid of in the past. It would allow bars to come into a smoking environment, where we have these special tobacco and cigar shops. There are very few of them in the state that exist where folks can taste the tobacco, can try a cigar, in these limited locations and this would allow them to open, essentially, a bar, serve alcohol and other non-alcoholic beverages in the establishment. I just think it's not a road that we

should go down at this point. We've come very far in public health and with smoking laws in the State of Maine and, to me, this takes us backwards. It basically would, in my mind as I saw it in the committee and the hearing, make the consumption of tobacco more attractive by allowing alcohol to be paired with it. Something else people like to be paired with it. I don't want to make tobacco more attractive and I saw no evidence that tobacco, specialty tobacco, or cigars are any safer than cigarettes. They're just as unhealthy as cigarettes are and, furthermore, I would add that the bill, as amended out of the committee, has several flaws. As amended from the committee, it would allow vaping, e-cigarettes, and marijuana because that's not excluded in this bill. As amended it sets up a new framework for this to be able to exist and, furthermore, it could allow folks under 21 to enter if they choose not to serve alcohol and they serve non-alcoholic beverages. Those under 21 would also be able to enter the environment where tobacco is being consumed. So I urge you to vote with me and oppose this motion. Thank you.

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion in front of us. First of all let me say, and I can contest a few things that my good colleague from Cumberland County suggested. First let me start, this bill would simply allow tobacco specialty stores to be licensed as a cigar lounge which may serve alcoholic or non-alcoholic beverages, but this does not make this place a bar. There are specific requirements in place that 60% of all sales must come from tobacco products. If 60% of your sales are coming from tobacco products than your purpose is not serving alcohol, your purpose is serving these other products and those are just a side feature. Currently in Maine the people of Maine who are looking for the service have to drive to New Hampshire, and they do. They go to New Hampshire, they patronize New Hampshire businesses and New Hampshire people benefit from this. This would simply allow our small businesses to benefit and I have to strongly contest an assertion made by my colleague. We specifically put in this amendment, the amendment to the bill, that no one under the age of 21 would even be allowed to set foot in this establishment. So I don't know where my colleague is getting that information from, but that was specifically provided for. As for other concerns about loopholes that may exist on this thing being served there or that thing being served there, I'll just say those concerns were not raised in the public hearing or the work session. If those are legitimate concerns we can very easily put a floor amendment to address those concerns. That's not any reason to throw out the whole bill. I will say, finally, we're talking about adults. We're talking about adults over the age of 21. Do we really have nothing better to do in government than micromanage and tell adults what their own personally choices they can make are for their own life? I don't like smoking. I don't smoke. I caution my friends and family not to smoke, but it's not my right, in government, to tell adult citizens what their personal choices need to be in regards to this. So I would suggest we pass this motion and let's allow Maine businesses to see some of the revenues from this and not send

people across the border to New Hampshire. Thank you very much.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I concur with my fellow Senator Chipman. This is a step backwards and this would start us going into smoking in bars and possible smoking marijuana in bars. For the people that don't want to inhale the smoke, there are rights there as well. I think that we've made great strides through the years and we're regressing with this bill. So I hope you follow my light. Thank you.

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

Senator **CHIPMAN:** Thank you, Mr. President. I just wanted to point out a couple of things. Regarding the 60% - 40% split, there is language in there that requires 60% of sales from tobacco and 40% from liquor, but if a business does not meet that criteria in a given year you can bet they're going to be here asking us to change that so that they can remain open and keep selling liquor and alcohol at whatever rates they'd like to do that. To me it just sends us down a slippery slope when we've come so far in public health and with tobacco and whether we want to sort of promote tobacco or not. I see this as promoting tobacco, as I said before, because it allows something else that people like to do, which is consume alcohol, to be paired with tobacco in the same place. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising a second time. My final thought on this, I just want to share a quick quote from a writer I think we all know named C.S. Lewis. He once wrote, and I think it's very applicable to this situation and many situations we find before us: "Of all tyrannies a tyranny sincerely exercised for the good of its victims may be the most oppressive. It would be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his stupidity may at some time at some point be satiated, but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience." Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey, to Accept the Minority 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 (#128)

YEAS: Senators: BRAKEY, CHENETTE, CUSHING, HAMPER, MIRAMANT, SAVIELLO, WOODSOME

NAYS: Senators: BELLOWS, BREEN, CARSON, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, GRATWICK, HILL, JACKSON, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MILLETT, ROSEN, VITELLI, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

EXCUSED: Senators: CARPENTER, DION, MASON

7 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prioritize Use of Available Resources in General Assistance Programs"  
S.P. 65 L.D. 219

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-62)** (6 members)

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

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

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Align Time Limits in the Municipal General Assistance Program and Temporary Assistance for Needy Families Program"  
S.P. 66 L.D. 220

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-61)** (6 members)

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

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

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

Senator **CHIPMAN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill would align the General Assistance Program with the Temporary Aid for Needy Families Program 60 month lifetime limit. In committee we heard that this really only impacts so few people that go and get General Assistance after a 60 month lifetime usage that it would only impact really families with minor children and some of the most disabled citizens in our state. It's something I'd like to leave up to the discretion of the local G.A. administrators and not have a statewide law that imposes this limit on the folks that are truly the most needy among us. I guess I'd just like to make a point about this bill as well. This bill does absolutely nothing to provide job training for anybody. It doesn't help anybody gain employment. This bill does nothing to improve anybody's economic situation. Those are really the issues we ought to be talking about here in this Chamber, in my opinion, and work with, as opposed to sort of perennial bills like this. I hope you will join me in opposing the pending motion. Thank you.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I do support welfare reform. I've talked with my constituents about it. I will be supporting bills that prioritize the use of our General Assistance program and make needed reforms, but I'm very concerned, and will oppose the pending motion, that L.D. 220 is poorly drafted. An attorney testified at the public hearing that this could open up the State to lawsuits under the Americans With Disabilities Act in Section 504 of the Rehabilitation Act. I'm mostly concerned about the municipal mandates. I think local control is extraordinarily important. I think opening the State up to hundreds of thousands of dollars in potential legal costs because of litigation is unwise. I think there are better ways to go about this and I will be voting against the pending motion.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I, too, rise in opposition to the pending motion because, as I understand it, the following fact pattern would result in denial of benefits. Somebody's on TANF for 5 years, is off and goes out and gets a job and is doing real well, and then some other life tragedy befalls them and they find themselves again destitute through no fault of their own, and this bill, if it were to pass, as I understand it, would make them ineligible at that point for General Assistance if that second event had happened within five years. I think we can all think of circumstances where the impact of this bill would be tremendously unfair and will oppose the motion. Thank you.

On motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-61) **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:

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Insurance Coverage of Certain Dental Services"

S.P. 302 L.D. 900

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-56)** (4 members)

Tabled - May 4, 2017, by Senator **WHITEMORE** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

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

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (5/9/17) matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-94)** (8 members)

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

Tabled - May 9, 2017, by Senator **WOODSOME** of York

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-94).**)

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

Bill **READ ONCE**.

Committee Amendment "A" (H-94) **READ** and **ADOPTED**, in concurrence.

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

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The Chair laid before the Senate the following Tabled and Later Assigned (5/9/17) matter:

HOUSE REPORTS - from 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

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

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

Tabled - May 9, 2017, by Senator **VOLK** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**

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

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

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is a common sense bill. Perhaps you have subscribed to an online magazine or you or a family member has subscribed to an online app with an automated renewal fee. You type in your credit card information and there you are. A year goes by and then suddenly two years go by and you realize you're paying \$30 a month for something that you're no longer reading and you wish to unsubscribe. Under current law there is no recourse and no requirement that that unsubscription be automatic online. You find yourself looking desperately for a phone number associated with the online app or the online subscription service. You can't find one. You Google it. You might or might not reach a customer service representative after days or weeks. This happened to one senior gentleman who brought this issue to the attention of Representative Matty Daughtry who brought this to our committee. Some of our committee members found ourselves nodding in agreement. This bill creates a simple fix. It says that online services in Maine, if you are providing online automatically renewing subscriptions that people are paying for on a monthly

basis, that there must be an online link to unsubscribe. There must be an out clause. So I urge you to follow my light in voting against this pending motion because this is a common sense fix for a problem that affects our seniors, in particular, but, quite frankly, every single one of us who's using online services these days. Thank you.

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

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

**THE PRESIDENT:** The Senator may pose his question.

Senator **BRAKEY:** Thank you, Mr. President. To anyone who may have the answer, I'm just curious, how would this be enforced for companies not based in Maine, who may even be based internationally? Would we simply prohibit Maine people from subscribing to these services in the first place? How would that work?

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

Senator **BELLOWS:** Thank you, Mr. President. Nothing in this bill prohibits someone from subscribing to any online service. What this bill does do is it makes it a violation of the Maine Unfair Trade Practices Act. So if a consumer did, in fact, find themselves subscribed to an online service from which they could not figure out how to unsubscribe then they could approach the State and ask for relief in terms of enforcement of Maine's Unfair Trade Practices Act.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#129)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, HAMPER, KATZ, LANGLEY, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

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

EXCUSED: Senators: CARPENTER, DION, MASON

10 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

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

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prioritize Use of Available Resources in General Assistance Programs"  
S.P. 65 L.D. 219

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-62)** (6 members)

Tabled - May 11, 2017, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

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

Senator **CHIPMAN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, in committee we didn't really hear that this was a problem that needs a solution and I'm, you know, not someone who's in favor of passing bills that don't really address real problems out there. I've asked in the committee, I've asked since then, for specific examples of folks who had available resources and refused to use those resources so they could go wait in a General Assistance line sometimes for several hours, which is not a pleasant experience. I'm not sure why anybody would want to do that if they had a resource available. It really goes against common sense. It goes against the information I've asked for. I've seen no specific examples. We heard from G.A. administrators that they already have the ability to deny people G.A. if they have resources available, so it's really something that can already be addressed and not something that we need a bill for, and so I'm asking you to join me in voting against this. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion. A little history on this bill. This bill is a proposal that was proposed initially in a meeting that I had with several of our

state's municipal welfare general assistance directors. We have heard support in favor of this proposal, both in this Legislature and the last Legislature, from the municipal welfare directors of cities like Lewiston and Bangor and Biddeford. The Maine Municipal Association is in support of this legislation. In fact, we received a few weeks back their Legislative Bulletin where they specifically highlighted this particular piece of legislation and its merits. I'm just going to, rather than making the argument myself, quote a little bit from them. "More than any other G.A. bill that was being considered, L.D. 219 is an example of trying to enhance client accountability in the G.A. system as a threading the needle alternative. Currently, the G.A. law defines only potential resources, which means public assistance programs and other sources providing basic services that G.A. applicants would benefit from if they could obtain them. The law requires G.A. recipients to seek out all potential resources that may be pointed out to them and allows those recipients to be denied further assistance if they refuse to seek out those potential resources without just cause." So far so good. "About 25 years ago municipal G.A. ordinances began to also identify available resources, which are essentially potential resources that have become manifested and are being received and utilized by the applicants. As strong as current G.A. law is with respect to requiring G.A. applicants to seek out potential resources, the law is silent on the issue of applicants who finally receive those resources only to abandon them and is almost silent on the issue of forfeiting those resources." I won't quote everything here, but I just want to point out this is something that is strongly supported by the Maine Municipal Association, strongly supported by many of our municipal welfare directors. This is just affirming what our General Assistance program should be. It should be the safety net of last resort. If someone has resources available to them they should take advantage and utilize those resources before they resort to relying on resources paid for by our property taxpayers. Thank you very much.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, let me give you just a concrete example of what's being talked about here today. Some of the selectmen of one of my island communities talk about how every year some young fishermen, after they pull their traps and they're done fishing for the season, go and apply for General Assistance after a month of not working on the water because they look back one month to see if there's any income. It's really, really frustrated the people of this island community because there's no recourse available to them. So, Mr. President, I would also ask for a roll call on this.

On motion by Senator **LANGLEY** of Hancock, 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 (#130)

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

**NAYS:** Senators: CARSON, CHIPMAN, DESCHAMBAULT

**EXCUSED:** Senators: CARPENTER, DION, MASON

29 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

**Bill READ ONCE.**

Committee Amendment "A" (S-62) **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 (5/9/17) matter:

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

Tabled - May 9, 2017, by Senator **LANGLEY** of Hancock

Pending - **REFERENCE**

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

On motion by Senator **HAMPER** of Oxford, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

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 Amend the Animal Welfare Laws To Add Provisions Relating to the Surrender of Animals"  
H.P. 1097 L.D. 1593

Off Record Remarks

Bill "An Act To Allow the Commercial Growth and Sale of Water Spinach in the State"

H.P. 1101 L.D. 1598

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

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

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

On motion by Senator **CUSHING** of Penobscot, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, May 16, 2017 at 10:00 in the morning.

Bill "An Act To Establish the Cannabis Advisory Commission"

H.P. 1100 L.D. 1596

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

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

Bill "An Act To Improve the Maine Tree Growth Tax Law"

H.P. 1102 L.D. 1599

Bill "An Act To Establish an Opioid Addiction Prevention and Rehabilitation Treatment Program Funded by a Tax Imposed upon the Sale of Opioids"

H.P. 1103 L.D. 1600

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

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

Bill "An Act Regarding Inspection Requirements for Public Safety and Municipal Vehicles Owned by Island Communities"

H.P. 1099 L.D. 1595

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

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

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