

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 7, 2016

beginning at Page 1

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

In Senate Chamber
Tuesday
June 27, 2017

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

Prayer by Pastor Justin Frank, Penney Memorial United Baptist
Church in Augusta.

PASTOR FRANK: Good morning. Let us pray. O Mighty God, we thank You for this day that You have made and for the men and women who are gathered here to do the good and important work of government. They have an authority and responsibility delegated by You, exercised on behalf of all the people of this state. So I come before You today as one of those people, to ask Your blessing on the work of this Senate on this day. The prophet Micah wrote that You, Lord, have revealed what is good and what You require of us; that we would do justice and love mercy and walk humbly with You. So I ask that this day justice and mercy and humility will guide the work of this Body. God, would You grant them wisdom to act with justice, with fairness, as they work to balance competing interests and understand the deeper dimensions of problems as they work for true compromise without violating sacred principles. Would You help them. Would You give them wisdom and would You grant them courage to not only know what is right but to do it. Lord, in all this I pray that You would grant them compassionate hearts, that they would love mercy, that in the pursuit of what's right before You for this State they would be moved with true care and concern for the human needs of real people and human dignity of all people. May they be moved with mercy even for one another, even for those they oppose. We all have in common not only the extraordinary dignity that all humans share, having been made in Your image, God, but also common human frailty. We all need help and kindness and forgiveness from others. In recognition of that, may they show kindness and give help to one another, even those with whom they greatly disagree. So finally I pray, Lord, that You would grant them humility as they do this work. Only You know all things. Give them humility to listen to and understand others, humility to admit when they've been wrong, humility to lay aside self-interests and pursue the common good, that they may do what is right and just, tempered by mercy, pursued with humility. Great God, You hold all this together in eternal perfection. You balance justice and mercy. You demonstrated extraordinary humility in the self-giving love of Your son. Now may You empower and guide these women and men in their work this day for the sake of the peace and prosperity of the great State of Maine. I ask in Jesus' name. Amen.

Pledge of Allegiance led by Senator Roger J. Katz of Kennebec
County.

Reading of the Journal of Friday, June 23, 2017.

Off Record Remarks

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.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit the Privatization of State Correctional Facilities and the State's Forensic Hospitals"

H.P. 893 L.D. 1296

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-486)** (8 members)

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

In Senate, June 22, 2017, on motion by Senator **KATZ** of Kennebec, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-486)**.

On motion by Senator **ROSEN** of Hancock, the Senate **INSISTED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Provide an Exemption from Road Association Payments for Landowners Whose Primary Access Is Not over the Road"

H.P. 381 L.D. 537

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-531)** (6 members)

In Senate, June 22, 2017, on motion by Senator **KEIM** of Oxford, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-531)** in **NON-CONCURRENCE**.

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

On motion by Senator **KEIM** of Oxford, the Senate **INSISTED**.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Law Enforcement Officers by Creating the Crime of Aggravated Assault on an Officer"

S.P. 329 L.D. 990

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-265)** (7 members)

Report "B" - **Ought Not to Pass** (4 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (S-266)** (2 members)

In Senate, June 21, 2017, on motion by Senator **VOLK** of Cumberland, Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265)**.

Comes from the House, Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265) AS AMENDED BY HOUSE AMENDMENT "B" (H-542)** thereto in **NON-CONCURRENCE**.

On motion by Senator **ROSEN** of Hancock, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Allow a Wrongful Death Cause of Action for the Death of a Viable Fetus"

H.P. 241 L.D. 327

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass** (5 members)

In Senate, June 20, 2017, on motion by Senator **KEIM** of Oxford, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

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

On motion by Senator **KEIM** of Oxford, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect the Health and Safety of First Responders"

H.P. 1036 L.D. 1512

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-511)** (8 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-512)** (3 members)

Report "C" - **Ought Not to Pass** (2 members)

In Senate, June 21, 2017, Report "B" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-512)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-512)** in **NON-CONCURRENCE**.

Comes from the House, Report "B" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-512)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-512) AS AMENDED BY HOUSE AMENDMENT "A" (H-547)** thereto in **NON-CONCURRENCE**.

On motion by Senator **ROSEN** of Hancock, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Promote Workforce Participation" (EMERGENCY)

H.P. 344 L.D. 481

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-326)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-327)** (6 members)

In Senate, June 9, 2017, on motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-327)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-327)** in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326) AS AMENDED BY HOUSE AMENDMENT "A" (H-548)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish the Maine Buy America and Build Maine Act"

S.P. 311 L.D. 956

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-171)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-172)** (5 members)

In Senate, June 22, 2017, on motion by Senator **DAVIS** of Piscataquis, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-171)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-171) AND SENATE AMENDMENT "A" (S-291)**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-171)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-171), SENATE AMENDMENT "A" (S-291) AND HOUSE AMENDMENT "A" (H-545)** in **NON-CONCURRENCE**.

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

House Paper

Bill "An Act To Provide Funding to the Loring Development Authority of Maine for Implementation Grants" (EMERGENCY)
H.P. 1134 L.D. 1643

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

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, Bill **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Ordered sent down forthwith.

The Chair noted the absence of the Senator from Cumberland, Senator **DION**, and the Senator from York, Senator **HILL**, and further excused the same Senators from today's Roll Call votes.

COMMUNICATIONS

The Following Communication: H.C. 279

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

June 23, 2017

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

Dear Secretary Priest:

House Paper 996, Legislative Document 1441, "An Act To Create Veteran-friendly Workplaces," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

77 voted in favor and 69 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

The Following Communication: S.C. 548

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

23 June 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 731, "An Act to Require Mortgage Servicers to Act in Good Faith in Dealings with Homeowners."

This bill is unnecessary and duplicative. Mortgage servicers will already be subject to increased accountability and oversight as the result of PL 2017, c. 106, a bill titled "An Act to Improve the Foreclosure Process by Regulating Mortgage Loan Servicers" that I signed into law on May 30, 2017.

Under that new law, companies will have to demonstrate appropriate financial responsibility, character and fitness in order to obtain a state license to service Maine mortgage loans.

LD 731, in contrast, is anti-business. It establishes a vague standard of "good faith and fair dealings," then creates new legal causes of action that will lead to more lawsuits against mortgage servicers and the possibility of awards of both actual damages and statutory damages of \$15,000 or more.

These lawsuits—and threats of lawsuits—will further delay the foreclosure process, which already takes far too long to complete.

We should wait and see whether the new licensing provisions found in PL c. 106 will be sufficient to improve accountability of mortgage servicers before adding onerous statutory penalties and further delaying foreclosures.

For these reasons, I return LD 731 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 Require Mortgage Servicers To Act in Good Faith in Dealings with Homeowners

S.P. 243 L.D. 731

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 (#377)

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

NAYS: Senators: BRAKEY, COLLINS, CUSHING, DAVIS, DOW, HAMPER

EXCUSED: Senator: DION

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being excused, and 28 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.

The Following Communication: S.C. 549

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

23 June 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 1047, "An Act to Protect Homeowners from Improper Foreclosure Fees."

This bill concerns a problem that arose many years ago. The lending crisis that had plagued our economy, coupled with a disruptive decision by the Law Court, sent our foreclosure system into disarray. Executives at mortgage companies often believed they validly held mortgages only to find out, after pursuing litigation, they could not prove that they held the mortgage. In 2011, the Legislature passed a law that allowed courts to award attorney fees to those against whom mortgage companies brought foreclosure actions and lost. The law provided the court with discretion to award attorney fees if the mortgage holder (mortgagee) was either unsuccessful in the foreclosure action or if the action was brought in bad faith.

It is claimed this bill is submitted in response to a "loophole" in the 2011 amendment to the law. The claim is that foreclosure plaintiffs who are found to have not held the relevant mortgage, but who acted in good faith, were intended to be subject to attorney fee penalty. This is plainly not the case. The argument advanced by the proponents of this bill ignores the fact that the law as it currently exists reflects that plaintiffs can bring foreclosure action and lose for reasons other than failure to prove that they hold the relevant mortgages. The intent of the law is that those lenders should be subject to a potential attorney fee penalty.

Since the 2011 amendment took effect, mortgage holders have changed their foreclosure practice in a way that is consistent with the intent of the 2011 amendment. It is now a relative rarity that foreclosure actions are unsuccessfully brought and rarer still for courts to disallow attorney fees when mortgagors request them after successfully defending a foreclosure action. For these reasons, this bill is unnecessary and adds needless cost to what should be a speedy procedure.

For these reasons, I return LD 1047 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 Protect Homeowners from Improper Foreclosure Fees
S.P. 350 L.D. 1047

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 (#378)

YEAS: Senators: BELLOWS, BRAKEY, BREEN,
CARPENTER, CARSON, CHENETTE,
CHIPMAN, DESCHAMBAULT, DIAMOND,
DILL, GRATWICK, HILL, JACKSON,
KATZ, LIBBY, MILLETT, MIRAMANT,
SAVIELLO, VITELLI

NAYS: Senators: COLLINS, CUSHING, CYRWAY, DAVIS,
DOW, HAMPER, KEIM, LANGLEY,
MAKER, MASON, ROSEN, VOLK,
WHITTEMORE, WOODSOME,
PRESIDENT THIBODEAU

EXCUSED: Senator: DION

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, and 19 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED.**

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

The Following Communication: S.C. 550

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

23 June 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 1361, "An Act Regarding State Hiring and Retention for Persons with Disabilities."

Unlike many in the legislature who only talk about helping Mainers with disabilities achieve self-sufficiency, my administration has actually taken steps to help them. Thanks to nearly \$100 million in targeted DHHS spending since the start of my administration, disabled Mainers have more opportunity to succeed than ever before. I am proud of my record of prioritizing resources and assistance to our most vulnerable citizens. We want all Mainers to know the dignity of meaningful employment and the independence that comes with a regular paycheck.

When I came to office, I promised the Maine people that in this state, we pay our bills. This is something the legislature continues to ignore. Implementing LD 1361 will burden the state with over \$177,000 for system modifications to our online application process and require an additional full-time human resources position. However, this bill neither provides the funding nor a position to implement the law.

In short, this bill amounts to yet another unfunded mandate. Therefore, I return LD 1361 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 Regarding State Hiring and Retention for Persons with Disabilities

S.P. 469 L.D. 1361

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 (#379)

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

NAYS: Senators: None

EXCUSED: Senator: DION

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

The Following Communication: S.C. 551

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

23 June 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 1404, "An Act To Ensure the Integrity of For-Profit Colleges."

Among its many problems, this bill seeks to dramatically expand the authority and increase the workload of the Maine State Board of Education. I understand the State Board was not consulted during the consideration of this bill, nor does the bill provide the State Board with resources to carry out these new responsibilities.

This bill proposes that certain universities be treated differently for the purposes of authorizing or de-authorizing the granting of degrees. I believe the state should have one standard that is applied consistently to higher education institutions that operate in Maine.

As presented in this bill, I question whether existing not-for-profit, post-secondary institutions in Maine could meet the 50 percent threshold imposed in the bill. It is hard to determine, especially since the bill does not provide definitions that would allow this bill to be implemented fairly and consistently.

I find it interesting this bill seeks to equate the percentage of dollars spent on instruction with "adequate educational standards" at for-profit schools. Throughout this session, members of the legislature have rejected my argument for increasing the percentage of education dollars in the classroom for public K-12 education, yet they are happy to impose new restrictions on a subset of higher education institutions. While I am not surprised legislators engage in this kind of hypocrisy, I will not be a party to it.

I object to this unfunded mandate that creates inconsistent, undefined standards for rescinding degree-granting abilities at certain universities in Maine. Therefore, I return LD 1404 unsigned and vetoed. I urge the legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Ensure the Integrity of For-profit Colleges
S.P. 482 L.D. 1404

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 (#380)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HILL, JACKSON, KATZ, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI

NAYS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, KEIM, LANGLEY, MASON, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

EXCUSED: Senator: DION

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, and 20 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

Senate at Ease.

The Senate was called to order by the President.

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Barbara Redmond, of Vassalboro, who is retiring as Chief Deputy Secretary of the Department of the Secretary of State after 11 years in her current position and 36 years of state service overall. Ms. Redmond began her service with the Bureau of Motor Vehicles in 1981 and after 18 years moved to the central office, serving there under Secretary Dan Gwadosky, Secretary Charlie Summers and Secretary Matthew Dunlap. In 2004 she became Deputy Secretary of State, and in 2006 she became Chief Deputy Secretary of State. She has been active in the National Association of Secretaries of State and the Maine State Employees Combined Charitable Appeal. We extend to Ms. Redmond our appreciation for her long service to the State and offer her our congratulations and best wishes;

SLS 520

Sponsored by Senator KATZ of Kennebec.

Cosponsored by Senator: DIAMOND of Cumberland, Representative: BRADSTREET of Vassalboro.

READ.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I think we can all agree that confidence in government begins with confidence in the integrity of our electoral system and, despite the occasional criticism you hear of our system in Maine, I think we can all agree that the apparatus is strong, the infrastructure is strong, and people can have confidence in the way our elections are run in the State of Maine. That's built, Mr. President, on the foundation of the fine clerks we have in all of our districts, but it begins and ends, really, with the State, and particularly with the State's Secretary of State's Office. Barbara Redmond, Mr. President, has served, as you've heard, several different Secretaries of State and if there was one person who's more responsible than anybody, I think, for the continued integrity of our voting system it's Barbara Redmond. She's retiring after many years. I know we all wish her well. Nobody in State government is replaceable - excuse me, is not replaceable, but it's hard to figure that that's necessarily true with Barbara. So on behalf of all of us, Mr. President, I know that there'll be others who will speak to this with far more knowledge than I have, but we're losing a fine public servant and congratulations to her on her retirement.

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

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I don't have anything prepared, but I don't know that there's anyone that's been more helpful to me and my constituents than Barbara. I don't know how many times I've called her late in the evening, how many times I've called her on the weekend, for constituents that truly, truly had concerns, didn't understand why State government was acting the way it was, didn't understand why they were in as much trouble as they were. But she always, always was so extremely helpful to people that had legitimate concerns. I mean I have her cellphone saved in my memory. I'll continue to do that, even though she probably won't be able to help me as much, but I just wanted to tell you that you made my job so much easier and I sincerely will miss you and hope that I'll continue to see you around here. Seriously, you're a great lady and I really appreciate it.

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, Barbara Redmond, I hardly recognize that name because she's always known as Barbie, so I'm going to continue to call her Barbie Redmond. She is the personified "go to" person. If I had an issue with one of my constituents, and I needed some help dealing with motor vehicle licensing laws or whatever, she was the "go to" person. She always followed through, took care of the issue, and called me back and said, 'This is what we did.' I've been a member of the Transportation Committee for 15 years and a lot of colleagues of mine here in the Legislature come to me dealing with motor vehicle laws and rules and regulations, like I'm supposed to know them all and I don't. I'd say, 'Listen, why don't you call Barbie. She'll take care of that. She'll answer your questions.' Here again, I'm repeating myself but it's true, she was definitely the "go to" person to get a

problem resolved, or just clarification about the current law, and I'm going to really miss her a lot. She's been an asset to the Maine Legislature and the people of Maine. Thank you.

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. At the risk of being redundant, let me just say that Barbie, over the years, before she went to the Central Office, when she worked with me, she was the person, even though she might have been in a position that was maybe lower in the echelon, she still knew all the answers, and if she didn't she'd go find out. I learned early on that if I really had to have a question that was kind of sticky, especially some of those questions that deal with people who find themselves in serious trouble with OUI or whatever it may be, I could call Barbie and talk with her and she'd give me the answer, this is what you can do, this is what you can't do, and she was always right on top of everything. So she was truly a woman of all seasons, somebody that I respect highly. I thank her dearly for all the work she's done and for getting me out of trouble so many times. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I'm delighted to rise today and add my comments in honor of this fine lady who has served the State well. You know, Mr. President, all of us, as we deal with the issues that come before us as elected leaders, face those challenges of not always being able to fully comprehend the issue and having resources like Barbie Redmond are truly invaluable. I think what's important is that, as has been said here, she was able to resolve issues and clarify our understanding but, more importantly, I think she represents, through her career, an example of what we look for in a true public servant; somebody who has a calm demeanor, who is always ready and willing to assist where she can, and over the course of several administrations in the Secretary of State's Office she has been able to be that "go to" person for us. She has exhibited a culture that I think is invaluable in the Secretary of State's Office of service to the public that many times are in stressful situations and just need that reassurance that there may be a solution here, and even if it can't come as quickly as we want, the knowledge that we have people like Barbie Redmond serving us in government makes it easier to do our jobs. She'll be greatly missed and she is truly appreciated for what she has done over her career for the people of Maine. Thank you, Mr. President.

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

Senator **DAVIS:** Thank you, Mr. President. First, I'd like to say that the good Senator from Aroostook and I have something in common. We're both usually unprepared. That said, I would just like to say that a few years ago I went to a veteran's - honoring veterans event at the high school in Guilford and while there I had an elderly lady approach me and tell me that she was having problems renewing her driver's license, and the reason for it was a mix up in a letter that was sent certifying that her eyes were

alright and somehow they got it mixed up and they took her license. She hadn't been able to drive even though her vision was okay. I told her that I would see what I could do. So I called my good friend, Secretary of State Matt Dunlap, and he said that he would get right into it. Well I'm quite sure when he got into it he referred it to Barbie. I'm driving to Dover-Foxcroft late on a Sunday evening to buy myself and my wife an ice cream and my cell phone rings and it's the elderly lady. Her voice is broken and she's crying and she can't thank me enough for all the hard work I did helping her get her driver's license straightened out. Well, folks, if you can get better pay than that, I'm going to apply for the job. I was thrilled to death that lady called me. The other thing I had with Barbie, a few years ago somebody come up with the idea that we ought to have a vote in honor of a veteran button to give people. Over the course of that summer and fall I sent Barbie probably hundreds of requests for those buttons and they were all answered very quickly and it worked very well because I'm still here. Thank you very much, Mr. President.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I had the opportunity to work with Barb as an advocate in coalition, in many coalitions, on issues that were sometimes contentious and sometimes controversial and she always brought a light touch, a sense of humor, and intelligence and grace to those conversations and helped us work through some really challenging issues. Then this past fall I met a constituent and they were beside themselves. They'd just been to the town office and been told that they weren't going to be able to vote in November because they were selling their house, they were taking off in a camper, and they had wanted to vote and they couldn't quite figure out how to do it. So I called the Secretary of State's Office and Barb called me back within less than half an hour and we figured out a solution. We were able to get them an absentee ballot. They were able to vote. They were ecstatic that they were able to exercise their constitutional right and it's that type of service, I think, that has distinguished Barb in her 36 years of service to the State. We are so fortunate. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber today the most popular person at the Secretary of State's Office, Barbie Redmond. Joining her is the Secretary of State, Matt Dunlap; Kristen Muzinski; Lula Joy; Peggy Schaffer; and Dottie Canelli. Would they all rise and accept the congratulations of the State Senate.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish the Maine Buy America and Build Maine Act"

S.P. 311 L.D. 956

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-171)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-172)** (5 members)

Tabled - June 27, 2017, by Senator **DAVIS** of Piscataquis

Pending - **FURTHER CONSIDERATION**

(In Senate, June 22, 2017, on motion by Senator **DAVIS** of Piscataquis, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-171)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-171) AND SENATE AMENDMENT "A" (S-291)**.)

(Comes from the House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-171)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-171), SENATE AMENDMENT "A" (S-291) AND HOUSE AMENDMENT "A" (H-545)** in **NON-CONCURRENCE**.)

On motion by Senator **DAVIS** of Piscataquis, the Senate **RECEDED** and **CONCURRED**.

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/21/17) matter:

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Repeal the Ranked-choice Voting Law"

S.P. 578 L.D. 1625

Report **"A" - Ought to Pass as Amended by Committee Amendment "A" (S-302)** (6 members)

Report **"B" - Ought to Pass as Amended by Committee Amendment "B" (S-303)** (6 members)

Report **"C" - Ought to Pass as Amended by Committee Amendment "C" (S-304)** (1 member)

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

Pending - motion by same Senator to **ACCEPT** Report **"A" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302)**

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 Aroostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. Men and women of the Senate, I'll be brief. We all are well familiar with this issue. I'd ask you to join me in voting against the pending motion to accept Report "A". Report "A", as you can well see, is a straight-forward repeal of the Ranked-choice Voting legislation that was enacted by the people. Almost 400,000 Maine citizens came out to vote in favor of Ranked-choice Voting. I was not in favor of it. I didn't support it. Didn't vote for it. Didn't get involved in the "no" side, but that's where I was. But subsequent to that, as you know, we came here. The Maine Supreme Judicial Court gave us an advisory opinion and ruled that, at least in part, the law would likely be found unconstitutional should it be challenged after an election. A full repeal of this flies in the face of almost 400,000 of our voting citizens in the State of Maine. I'm asking you to vote against the pending motion so we can get to what I consider to be a partial repeal and remains consistent with the wishes of those people. So I'd appreciate it very much if you could follow my light and vote against the pending motion. Thank you.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, with this motion, which I support, we have before us only two options left, which you just heard one mentioned. To leave this the way it is would be unconscionable. We just could not do that and set up the morass of litigation, and to go a dual system, Mr. President and ladies and gentlemen of the Senate, which is the other option, which is why I support this motion, does not make sense. Running a statewide election is a huge challenge and it takes a lot of work and a lot of luck to get it done, and we've done that in this state for decades, and we've made that happen almost to the point where people take it for granted, it's run so smoothly. But it doesn't - it takes a lot of work to make that happen, and not only from the Secretary of State's side but from every town and city clerk, all the wardens, all the ballot clerks, all the training, all of that makes that system work. And to suggest that we would now, on top of that, implement a dual system, with dual computer systems, with dual training, and all that goes with that, and this has nothing to do with whether you support Ranked-choice Voting or not, it's the absolute practicality of trying to implement two systems at the same time. Now the costs we've heard about this do not include - by the way the costs are very, I would say, understated - the costs do not include things like security because in this new system, with the existing system, you have to build in a statewide, or Congressional district-wide, recount. You have to build in the technology for counting in the first place, which is totally fundamentally different than what we have in place now. If it was all one way or the other that's fine, but to try to do two fundamentally different election systems at the same time, not only is that not practical, it's totally unfair to everybody back home who works so hard to make our elections work. So I would ask you to think long and hard, and I know there's strong passionate feelings about this issue, but

we've got beyond that to the point now about implementation. It just does not make sense that we try to run two elections at the same time. I know it's hard for some to think of that because you've not had the opportunity to see all the little crises and all the little landmines that you have to deal with statewide when you're doing these election systems - this election system. Again, it's only successful in our state because of the clerks and all the volunteers back home and a State-run Department of Elections. So, again, we don't even know how much confusion and all the things that are going to go towards trying to make two systems work. It's so complicated that we just cannot do that. It doesn't make sense. It's going to cost a lot more than we think, and try to bring all that together, two systems simultaneously, does not make sense. So it's not something, again, to the point whether you support Ranked-choice Voting or not. It's the practicality of trying to implement these two systems all at the same time. Thank you, Mr. President.

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, I speak from a place where we actually have had Ranked-choice Voting for some races and not others. We've had that for six years where I live, in the City of Portland. We've had Ranked-choice Voting for mayor but not for all the other city elections. We thought it was going to be very complicated and very difficult when we tried to implement this system, to have Ranked-choice Voting on one side of the ballot and the non-Ranked-choice Voting races on the other side of the ballot. We had volunteers at every polling place the first time we did this in 2011, fearing that there were going to be a lot of voters who were confused. Turns out that didn't happen. In fact, the volunteers were completely not needed and were never really called upon to sort out any confusion because there was no confusion with the voters. There was no confusion with the polling places, with the polling wardens, with sorting out ballots, with having an accurate count. It actually worked perfectly fine. We had an election where tens of thousands of voters voted and there was no problem, and so, based on that, I think that we can implement this on a state level, not with this report but with another report that would actually completely respect and honor the will of the voters in implementing it for the races that the court said we could use it for. So I'm opposed to this motion and I hope that you will join me in opposing it.

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

Senator **BRAKEY:** Thank you, Mr. President. I'm rising in support of the motion before us right now as someone who supports Ranked-choice Voting and supports trying to go about implementing Ranked-choice Voting in a constitutional way as we tried previously but that effort seems to have fallen short. So the choices really before us seem to be do we - we've got maybe three choices. We can vote against - we clearly know from the decision of - the opinion of the Supreme Court that if we were to implement the referendum as passed that we would be entering into a Constitutional crisis. I think we all take an oath to uphold the Constitution of the State of Maine. I don't think anyone here is interested in that. The other choice we have is the choice to enter a potential election process crisis. As we've heard from two

Secretaries of State, both the current Secretary of State and a former Secretary of State, the monumental burden this would put on our electoral system to have this dual process. I'm not willing to support us going into a Constitutional crisis nor into an electoral process crisis and I think that leaves us with only one option, which is the option before us right now. So I'll be voting in favor of the motion and I hope the Body joins me. Thank you very much, Mr. President.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. I want to share with you a text message I received this morning from an anonymous constituent. 'Question: where do you legislators get the authority to deny the people of Maine our freedom of choice? We passed the issues that are holding up the budget. Who do you people really represent?' I haven't called this person back yet. I will. But I think that our role as legislators is twofold. First and foremost, the good Senator from Androscoggin is correct. We need to uphold and defend the Constitution, and I do think that there is a path forward, not represented by this motion, that will allow us to do that. Second, and very important, is to uphold the will of the people. We are elected to represent the people, not ourselves. So I would urge you to join me in supporting the will of the people, not to bring us to crisis today or late this week, but to support the will of the people, and oppose this motion. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Ought to Pass as Amended by Committee Amendment "A" Report. A roll call has been ordered. Is the Senate ready for the question? If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#381)

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

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

EXCUSED: Senator: DION

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MASON** of Androscoggin to **ACCEPT** Report "**A**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302) PREVAILED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-302) **READ** and **ADOPTED.**

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302).**

Ordered sent down forthwith for concurrence.

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

The President retired from the Chamber.

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

REPORTS OF COMMITTEE

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit" H.P. 930 L.D. 1336

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-443).**

Comes from the House with the Report **READ** and the Bill **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS.**

Report **READ.**

Senator **LANGLEY** of Hancock moved the Senate **RECEDE** and **CONCUR.**

The Chair **RULED** the motion by Senator **LANGLEY** of Hancock to **RECEDE** and **CONCUR OUT OF ORDER.**

On motion by Senator **LANGLEY** of Hancock, Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Penalty for Aggravated Sex Trafficking"

H.P. 183 L.D. 250

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-220).**

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
HERRICK of Paris
MAREAN of Hollis
RECKITT of South Portland

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

Signed:

Representatives:

WARREN of Hallowell
LONGSTAFF of Waterville
NADEAU of Winslow
TALBOT ROSS of Portland

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-220) AS AMENDED BY HOUSE AMENDMENT "B" (H-552)** thereto.

Reports **READ.**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-220) **READ.**

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-311) to Committee Amendment "A" (H-220) **READ.**

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

Senator **CYRWAY:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I just have concerns of this amendment. I just wanted to make sure that - just a question what the change would be of the amendment "A"?

THE PRESIDENT PRO TEMPORE: The Senator from Kennebec, Senator Cyrway, has posed a question through the Chair to anyone who may care to answer. The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, as many of you know, this is an issue that I've worked on quite a bit and even had the opportunity to have these sorts of discussions about the issues, particularly minors involved in sex trafficking, at the national level and in both Maine and federal law any minors that are automatically counted in aggravated sex trafficking. This means that law enforcement doesn't need to demonstrate force, fraud, or coercion. Because they are minors, it's assumed that there's always de facto coercion and the way that this came out of committee actually inserted "coercion" into some of the levels of crime when a minor is being trafficked and there was concern from particularly some of the DAs in Cumberland County that some cases would be charged or tried at an "A" but in practice virtually all cases would be tried at the "C" level and they felt that would actually result in a decrease in penalties from current law and it would also make Maine one of the only states that don't automatically count minors as victims of compelled trafficking, and so for that reason I was approached by the stakeholders and they asked me to submit the changes. So what my amendment does is - let's see right here - it adds that the person must compel the minor to enter into, engage in or remain - it removes that. This amendment removes that added element of compulsion from the crime and establishes that aggravated sex trafficking is a Class "B" crime, which is not a change from current law to my understanding.

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

Senator **CYRWAY:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I was in the Criminal Justice Committee and we had a big discussion on this and we asked the DAs, as well as the attorneys, and asked what we could do if we change it to what Senator Volk has prescribed and how would we get these youths directed to get them help and they had no answer. They said that if - they'd like to find an answer, the way to get them directed, but there is no answer to do so, and so that's why we stayed with Committee Amendment "A", because the court system and the juvenile court system is directed to help youths and get them directed. It is not to punish them. It is more to get them the help and so people have a hard time believing that because the judicial system - you always think crime and punishment, but that's not the real case in the juvenile system. It's different than the adult system. So this would actually fail what we're trying to do, to help the victims here. The victims are the youths and we're trying to help them, get them directed to get them the help. So if we pass this amendment that Senator Volk has prescribed, we would actually be failing our youths and not helping them. So I would request a roll call on this and hopefully we can get back to the Amendment "A".

Senator **CYRWAY** of Kennebec requested a Roll Call.

Senate at Ease.

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

On motion by Senator **VOLK** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ADOPT** Senate Amendment "A" (S-311) to Committee Amendment "A" (H-220). (Roll Call Requested)

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding Driver's License Suspensions for Nondriving-related Violations"

H.P. 827 L.D. 1190

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-532).**

Signed:

Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
BRADSTREET of Vassalboro
CARDONE of Bangor
McCREIGHT of Harpswell
RECKITT of South Portland
SHERMAN of Hodgdon

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

Signed:

Representatives:

GUERIN of Glenburn
JOHANSEN of Monticello

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-532) AS AMENDED BY HOUSE AMENDMENT "A" (H-550)** thereto.

Reports **READ.**

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

Bill **READ ONCE**.

Committee Amendment "A" (H-532) **READ**.

House Amendment "A" (H-550) to Committee Amendment "A" (H-532) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-532) as Amended by House Amendment "A" (H-550) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532) AS AMENDED BY HOUSE AMENDMENT "A" (H-550)** thereto, in concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Clarify Licensing Provisions for the Manufacture and Sale of Liquor" (EMERGENCY)

H.P. 1133 L.D. 1642

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

Signed:

Senators:

MASON of Androscoggin
CARPENTER of Aroostook
COLLINS of York

Representatives:

LUCHINI of Ellsworth
CASÁS of Rockport
FARRIN of Norridgewock
HANINGTON of Lincoln
HICKMAN of Winthrop
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor
WHITE of Washburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-546)**.

Signed:

Representative:

DILLINGHAM of Oxford

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

Reports **READ**.

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

Under suspension of the Rules, Bill **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Divided Report

Eight members of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers"

H.P. 207 L.D. 274

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-533)**.

Signed:

Senators:

BRAKEY of Androscoggin
CHIPMAN of Cumberland

Representatives:

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

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-534)**.

Signed:

Representatives:

CHACE of Durham
HEAD of Bethel
MALABY of Hancock

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-535)**.

Signed:

Senator:

HAMPER of Oxford

Representative:

SANDERSON of Chelsea

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533) AS AMENDED BY HOUSE AMENDMENT "A" (H-540)** thereto.

Reports **READ**.

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

Senate

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure Maine Is in Compliance with Certain Federal Drug Laws"
S.P. 588 L.D. 1637

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

Signed:

Senator:
DIAMOND of Cumberland

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-310)**.

Signed:

Senators:
ROSEN of Hancock
CYRWAY of Kennebec

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

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-310) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

ENACTORS

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Authorizing the Legislature, or Electors through Direct Initiative, To Enact Legislation To Determine the Winner of Elections for the Offices of State Senator, State Representative and Governor

S.P. 577 L.D. 1624
(C "A" S-300)

Comes From the House, **FAILED FINAL PASSAGE**.

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **FINAL PASSAGE** in **NON-CONCURRENCE**.

Emergency Measure

An Act To Conform State Law to Federal Law While Promoting Safe Working Environments for Minors

S.P. 548 L.D. 1564
(C "A" S-251; S "A" S-279)

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 Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities

H.P. 1132 L.D. 1641

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

Acts

An Act To Improve Care Provided to Forensic Patients
H.P. 120 L.D. 162
(C "A" H-482)

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

An Act To Provide Traffic Safety Education in Schools
H.P. 793 L.D. 1130
(H "A" H-537 to C "A" H-469)

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

An Act To Promote Major Business Headquarters Expansions in
Maine, Promote the Commercialization of Research and
Development in Maine and Create Jobs
S.P. 591 L.D. 1639
(C "A" S-294)

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

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

REPORTS OF COMMITTEES

Senate

Committee of Conference

The Committee of Conference on the disagreeing action of the
two branches of the Legislature, on Bill "An Act To Amend the
Laws Governing Temporary Sign Usage"
H.P. 165 L.D. 209

Had the same under consideration and asked leave to report:

That the Senate and House agree that this Bill and all its
accompanying papers be **COMMITTED** to the Committee on
TRANSPORTATION.

On the Part of the Senate:

Senator COLLINS of York
Senator CUSHING of Penobscot
Senator DILL of Penobscot

On the Part of the House:

Representative McLEAN of Gorham
Representative PARRY of Arundel
Representative GRANT of Gardiner

Report **READ** and **ACCEPTED** and Bill and all its accompanying
papers was **COMMITTED** to the Committee on
TRANSPORTATION.

Ordered sent down forthwith for concurrence.

Senate at Ease.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later
Assigned (6/27/17) matter:

HOUSE REPORTS - from the Committee on **HEALTH AND
HUMAN SERVICES** on Bill "An Act To Implement the
Recommendations of the Working Group To Study Background
Checks for Child Care Facilities and Providers"
H.P. 207 L.D. 274

Report "A" **Ought to Pass as Amended by Committee
Amendment "A" (H-533)** (8 members)

Report "B" **Ought to Pass as Amended by Committee
Amendment "B" (H-534)** (3 members)

Report "C" **Ought to Pass as Amended by Committee
Amendment "C" (H-535)** (2 members)

Tabled - June 27, 2017, by Senator **BRAKEY** of Androscoggin

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, Report "A" **OUGHT TO PASS AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-533)** **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-533) AS
AMENDED BY HOUSE AMENDMENT "A" (H-540)** thereto.)

On motion by Senator **BRAKEY** of Androscoggin, Report "A"
**OUGHT TO PASS AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-533)** **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-533) **READ** and **ADOPTED**, in
NON-CONCURRENCE.

Under suspension of the Rules, Bill **READ A SECOND TIME** and
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-533)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

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

RECESSED until the sound of the bell.

After Recess the Senate was called to order by
President Pro Tempore Mason.

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

COMMUNICATIONS

The Following Communication: H.C. 281

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 23, 2017

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

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 1126, "An Act Relating to the Use and Leasing of Public Reserved Lands."

This bill is another attempt by the Legislature to micromanage the Executive Branch. It requires the Bureau of Parks and Lands (BPL) to amend its rules to expressly permit bear-baiting at sites that are not accessible by road, but are accessible by water. The bill also directs the Director of BPL to issue a revised lease of land in Township 16, Range 6 for Eagle Lake Sporting Camps, changing its term from 15 years to 30 years, notwithstanding the limitation in current law for such leases to be no longer than 15 years.

In addition to micromanaging the department, this bill sets a dangerous precedent by allowing the Legislature to enact laws to benefit specific businesses or entities without considering all of the pertinent information that the department uses to make these deliberate decisions. If this bill passes, how is the Legislature going to pick and choose which sporting camp and campground leases they are going to intervene in or what public reserved land

uses should be altered to benefit a few at the expense of all Maine citizens? The Legislature needs to think about the long-term consequences a bill like this will have on the state.

For these reasons, I return LD 1126 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 Support Tourism on Public Reserved Lands by Leasing Sites to Commercial Sporting Camps (EMERGENCY)
H.P. 789 L.D. 1126

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.

The President Pro Tempore 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 (#382)

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

NAYS: Senators: None

EXCUSED: Senator: DION

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, and 34 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 Following Communication: H.C. 283

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 23, 2017

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

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 1217, "An Act To Implement the Recommendations of the Government Oversight Committee To Improve the Efficiency and Effectiveness of Evaluations of the State's Investments in Economic Development."

This is a perfect example of legislation that sounds good in the committee room, but in practice falls short of delivering anything of real value for the people of Maine. This bill binds a future Legislature and administration with a series of statutory reports and deadlines without identifying adequate, permanent funding.

It has been established by the administration, OFPR and OPEGA that under existing statute—which is duplicated and expanded in LD 1217—not enough funding is generated to pay the economic development portion of the report. To meet the requirements of the changes proposed, permanent and dedicated funding should have been identified or language should have been included that says if not enough funding is generated, the evaluation won't be conducted. This bill fails to account for the real cost of putting together an independent, third-party evaluation.

LD 1217 still calls for a series of reports following evaluations to be submitted. This will result in more new reports that will go unread and sit on shelves and in drawers here in Augusta.

For these reasons, I return LD 1217 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 Implement the Recommendations of the Government Oversight Committee To Improve the Efficiency and Effectiveness of Evaluations of the State's Investments in Economic Development

H.P. 849 L.D. 1217

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.

The President Pro Tempore 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 (#383)

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

NAYS: Senator: BRAKEY

EXCUSED: Senator: DION

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being excused, and 33 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 Following Communication: H.C. 284

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 23, 2017

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

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 1376, "An Act To Remove Barriers to Workforce Development in Alcohol and Drug Counseling."

National standards for substance-abuse treatment licensing is currently set by the International Certification & Reciprocity Consortium (IC&RC), which is the nationally recognized resource

for prevention, substance-use disorder treatment and recovery credentialing.

The Maine State Board of Alcohol and Drug Counselors has strict standards regarding licensure. There are educational standards, clinical supervision standards and professional education standards in place to ensure that practicing clinicians maintain a certain level of competency. These standards are also considered by the IC&RC as best-practice standards for the field.

Maine has a better-than-average test passing rate as compared to other states. The test-passing rate for LADCs is at 73 percent, compared to a national passing rate of 60 percent, and the CADC passing rate is 79 percent compared to a national rate of 73 percent (IC&RC; International Certification & Reciprocity Consortium).

This state does significant work to ensure our standards are high and the quality of our counselors is excellent. This bill has the potential to significantly decrease the competency of our treatment providers. Lowering the standards and quality for substance-abuse treatment professionals is not the right approach to addressing the drug crisis that is on our streets. More than ever, we need the best counselors possible to help Mainers break the chains of addiction.

For this reason, I return LD 1376 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 Remove Barriers to Workforce Development in Alcohol and Drug Counseling and To Increase the MaineCare Reimbursement Rates for Certain Counselors
H.P. 955 L.D. 1376

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.

The President Pro Tempore 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 (#384)

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

NAYS: Senators: None

EXCUSED: Senator: DION

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, and 34 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 Following Communication: H.C. 285

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 23, 2017

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

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 1572, "An Act to Implement Recommendations of the Government Oversight Committee to Improve the Efficiency and Effectiveness of Legislative Reviews of Tax Expenditures."

I have long believed the legislature does not read the lengthy and time-consuming reports that it requires others to prepare, and this bill will not change that. This bill passes unnecessary reforms for reports that regularly go unread, are unappreciated and are left on shelves collecting dust.

While some may feel that these bureaucratic solutions are a substitute for effective and accountable management, I do not. Amending these reporting statutes is like changing scorekeeping rules for a scrimmage—it won't matter because nobody pays attention to it. Legislators willfully ignore the very reports they request. As a result, any change to reporting statutes would be inconsequential.

This bill is the latest example in a disappointing trend of legislative priorities being misaligned with the interests of the people the Legislature purports to represent. This bill is simply not necessary, which is why I return LD 1572 unsigned and vetoed. I urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Implement Recommendations of the Government Oversight Committee To Improve the Efficiency and Effectiveness of Legislative Reviews of Tax Expenditures

H.P. 1083 L.D. 1572

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.

The President Pro Tempore 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 (#385)

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

NAYS: Senators: None

EXCUSED: Senator: DION

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, and 34 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 Following Communication: H.C. 286

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 23, 2017

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

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 1601, "An Act To Increase Funds Deposited into the Companion Animal Sterilization Fund through the Pet Food Surcharge."

This bill was originally submitted as a Governor's Bill to phase out the \$20 pet food surcharge over three years. However the ACF Committee completely re-wrote the bill in order to preserve the surcharge and increase the amount of revenue dedicated to the Companion Animal Sterilization Fund (Fund) which was the exact opposite of what I intended.

I hope the Legislature understands that Maine triple taxes pet food sold in the state. In addition to the sales tax, Maine assesses an \$80 fee along with the \$20 surcharge for each product line. The registration fee and the surcharge represent a cost of nearly \$1 million annually to pet food companies who have to pass on these costs to responsible pet owners. Part of the \$80 registration fee helps to fund regulatory work within the Department of Agriculture, Conservation and Forestry (DACF) and I believe that fee is appropriate. The \$20 pet food surcharge which is dedicated to the Fund has outlived its usefulness as there are other current revenue streams available.

When the surcharge was first put into law it was expected to raise \$100,000 for the Fund, with the excess revenue going to DACF. But as is the case with many government programs, the revenue generated from the tax has grown significantly since it was established. Meanwhile, additional revenue has been coming in from the Animal Welfare license plates and voluntary income tax check-offs. Other states use these kinds of voluntary revenue streams to pay for their spay and neuter programs and do not use a pet food surcharge.

This bill does nothing to address the tax burden placed on pet food companies and pet owners in this state. If the Legislature believes that this is a state-wide priority and more money is needed for the Fund, then the burden should be taken off the backs of these businesses and constituents and funded as a priority by the state.

For this reason, I return LD 1601 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 Reduce Costs to Businesses by Phasing Out the Pet Food Surcharge (EMERGENCY)

H.P. 1104 L.D. 1601

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.

The President Pro Tempore 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 (#386)

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

NAYS: Senator: BRAKEY

EXCUSED: Senator: DION

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being excused, and 33 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.

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

ENACTORS

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

Acts

An Act To Reduce Youth Access to Tobacco Products
S.P. 391 L.D. 1170
(S "B" S-306 to C "A" S-146)

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

An Act To Require Drug Manufacturers To Comply with Federal Law

S.P. 432 L.D. 1280
(S "B" S-297; S "D" S-309
to C "A" S-153)

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

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Possession of a Firearm on School Property"

S.P. 327 L.D. 988

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-174)** (4 members)

In Senate, June 22, 2017, that Body **INSISTED** on its former action whereby, on motion by Senator **LANGLEY** of Hancock, the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion by Senator **LANGLEY** of Hancock, the Senate **RECEDED** and **CONCURRED**.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Mental Health Care for Maine Veterans"

H.P. 853 L.D. 1231

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-407)** (10 members)

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

In Senate, June 8, 2017, on motion by Senator **COLLINS** of York, 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-407)** in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407) AS AMENDED BY HOUSE AMENDMENT "A" (H-553)** thereto in **NON-CONCURRENCE**.

On motion by Senator **COLLINS** of York, the Senate **RECEDED** and **CONCURRED**.

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

COMMUNICATIONS

The Following Communication: H.C. 288

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

June 27, 2017

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

Dear Secretary Priest:

House Paper 214, Legislative Document 281, "An Act To Amend the Percentage of Votes Needed for Condominium Governance," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

79 voted in favor and 66 against, with 1 being excused, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 839, Legislative Document 1203, "An Act To Increase Transparency in Cooperative Agreements within the Department of Agriculture, Conservation and Forestry," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

89 voted in favor and 56 against, with 1 being excused, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 1109, Legislative Document 1608, "An Act To Support Employment Opportunity in Maine," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

82 voted in favor and 63 against, with 1 being excused, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.
Sincerely,

S/Robert B. Hunt
Clerk of the House

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

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Penalty for Aggravated Sex Trafficking"
H.P. 183 L.D. 250

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-220)** (8 members)

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

Tabled - June 27, 2017, by Senator **VOLK** of Cumberland

Pending - motion by same Senator to **ADOPT** Senate Amendment "A" (S-311) to Committee Amendment "A" (H-220) (Roll Call Requested)

(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-220) AS AMENDED BY HOUSE AMENDMENT "B" (H-552)** thereto.)

(In Senate, Reports **READ**. On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. Bill **READ ONCE**. Committee Amendment "A" (H-220) **READ**. On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-311) to Committee Amendment "A" (H-220) **READ**.)

On motion by Senator **ROSEN** of Hancock, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senator **MIRAMANT:** Mr. President Pro Tem, men and women of the Senate, I know since we are on different sides of the aisle we get different e-mails and mine are - my e-mails are generally about the surcharge in the negotiations and there are hundreds - I'd say a hundred a day, and they are all saying that we stood for this, we voted for this, we need to honor this, and it just made me want to remind you - because you probably get different ones. So over here what it says to me - I've had a couple of different roles and so have some of you. I'm looking at Senator Cyrway, my good colleague, and he's been in a position where he had to use authority and just determine the outcome.

THE PRESIDENT PRO TEMPORE: Would the Senator defer. Does the Senator wish that these be on the record?

Senator **MIRAMANT:** This is on the record.

THE PRESIDENT PRO TEMPORE: On the record.

Senator **MIRAMANT:** Thank you.

THE PRESIDENT PRO TEMPORE: Just for clarity.

Senator **MIRAMANT:** Thank you very much. And so sometimes you're in a position where you have to use authority to determine the outcome. Sometimes you're in a position where you have to work with people. Unfortunately, the two of the people that I wanted to hear this have left the room, but I'll bet they're listening. The electronic media here is wonderful. So I've been in the position where I had to take all the different input from the people I represent and the colleagues that I work with who represent this big cross-section and I may wish that 3% was there and I wasn't going to budge from it or zero was there because I think I know better than all the people who voted and those people are going to know better when they vote next time whether we represented them. That'll be the final answer. But for right now a negotiation

when we're not using the authority and power that we can use to overpower everyone because we're the decision maker who has to take that weight of responsibility, that isn't what we have here. Here we're sent to work with the other people in this Body, the ones down in the other Body. We're supposed to be working together. Some people say when it's done none of us will like what we've done. I think that's a cynical attitude. I think when we're done we won't have everything we want but we'll recognize that, with a little over a million people, we have a broad spectrum to represent and so we'll have less than what we wanted but we shouldn't look at it as a less-than. We should look at it as the results of so many people working together that it's a pretty darned good thing in spite of your ideologies. You don't need to have your ideologies. In your little world, when you're standing there in your room and alone, you can be the dictator. You can say, 'I'm right all the time.' As soon as you leave that room and there're two of you, you say, 'Honey, what would you like to do today?' even though I'd soon sit on the couch all day. 'Oh, ya, let's go work on the camp all day. Oh boy.' Tomorrow I won't be able to move but, hey, that's what I want to do too because you work together with someone. Here you work together to get this done. You walk in and say, 'There's going to be zero of the surcharge' from day one. You were trying to determine that - the results of that - based on your ideology. Your fundamentalism. That's not the way it is and when I've walked around here many times saying I'm going to stand up for that 3%, those citizens, the will of the citizens...

THE PRESIDENT PRO TEMPORE: The Senator will defer. I'll remind the Senator that we are not to impugn or presume to understand the motives of other members of the Body.

Senator **MIRAMANT:** I only impugn myself and otherwise I spoke in generalities.

THE PRESIDENT PRO TEMPORE: You are a member of the Body, so don't impugn yourself.

Senator **MIRAMANT:** What about self-deprecation? Is that allowed in the rules?

THE PRESIDENT PRO TEMPORE: I'd just advise the Senator to tread lightly.

Senator **MIRAMANT:** Thank you. Thank you, Mr. President Pro Tem. So I'm breaking my own rule. I'm here trying to inspire. I'm trying to say that the results of working together are never negative, even if you don't get what you want. Even if you get nothing of what you wanted you'd have to defer to the greater wisdom of the Body that you're in. So even though it comes down to a few people who seem to be working on something, make sure that the input of the folks you represent is passed on to them every hour all day long. Don't let any idealism get in the way of getting something done here. This is something that folks out there do not understand at all. They just think we're not doing our job, we're not earning our money, the big bucks that we get. So let's show them that we are and if anything I said seemed to impugn anybody's character except my own, I apologize but I really mean this. Thank you.

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

Senator **BELLOWS**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I feel obligated to address all of you today as the conversation in this building increasingly features a word I hoped would never be used. That is "shut down". I suspect my district has more State employees than any other in the State, with the possible exception of my good fellow Senator from Kennebec, Senator Katz, and every day that goes by without a budget, without an agreement between our four caucuses on how to keep the State open, fear and anxiety grows. I received a call on Saturday morning from a woman in tears. She just spent \$37 for groceries and she wondered how she'd be able to afford groceries should the State shut down in July. Another State worker is donating his kidney to his wife in July. They are in a medical crisis. Her life is in danger. I'm very concerned about the thousands of State workers sent home without pay, whose ability to put food on the table or gas in the car, see a doctor or pay for prescriptions, will be jeopardized if we don't pass a budget. Mr. President, I'm not a member of the Appropriations Committee. I don't serve on the Committee of Conference, nor am I in Legislative Leadership. I'm just a rank and file Senator. The public needs to know, however, that we are standing up for them and that is why I'm speaking up today to remind us all that we have an obligation to come together. It never had to be this hard. There is no reason for us to be in budget crisis. There is no revenue shortfall. We have the tools and resources available to pass a budget that meets our obligations, funds our schools, avoids unnecessary cuts, and we can do it while living within our means. Let us come together to pass a budget. It's time to put partisan disagreements aside and put the people first. Thank you, Mr. President.

Off Record Remarks

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

On motion by Senator **CUSHING** of Penobscot, **ADJOURNED** until Wednesday, June 28, 2017 at 10:00 in the morning.