

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
Wednesday
June 28, 2017

Senate called to order by President Pro Tempore Garrett P. Mason of Androscoggin County.

Prayer by Senator Catherine E. Breen of Cumberland County.

SENATOR BREEN: Good morning and thank you for this extraordinary privilege to offer the prayer today, written by Rabbi Chaim Stern. I'm going to start with some Hebrew and then give the English translation.

Vahavi-einu l'shalom mei-arba kanfot haaretz, v'tolicheinu kom'miyut l'artzeinu. Ki El po-eil y'shout atah, uvanu vacharta v'keiravtanu l'shimcha hagadol selah be-emet, l'hodot l'cha ul'yachedcha b'ahavah. Baruch atah, Adonia, habocheir b'amo Yisrael b'ahavah.

O God, inspiration and guide for all, You have spoken in a thousand tongues for us to hear. In every land and every age, Your children have heard You and imagined You in separate ways, and yet, O God, You are one, unifier of humanity. We give thanks for the sages and teachers who bring us understanding of Your will. Gratefully we recall the lawgivers and prophets, the psalmists and sages of Israel and joyfully we remember that from the dawn of Israel's life we return to You and find purpose. May the teachings of our ancestors live on in our minds and their passion of righteousness stir our hearts. Help us to live so that our daily conduct reveals the beauty and wisdom of Your truth.

Baruch atah, Adonai, habocheir b'amo Yisrael b'ahavah.
Amen.

Pledge of Allegiance led by Senator David R. Miramant of Knox County.

Reading of the Journal of Tuesday, June 27, 2017.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-310)** (6 members)

In Senate, June 27, 2017, on motion by Senator **ROSEN** of Hancock, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-310)**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Non-Concurrent 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)

In Senate, June 27, 2017, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533)** in **NON-CONCURRENCE**.

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

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

Non-Concurrent 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)

In Senate, June 27, 2017, Report "A" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302) READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302).

Comes from the House, Report "B" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-303) READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-303) in NON-CONCURRENCE.

On motion by Senator LIBBY of Androscoggin, TABLED until Later in Today's Session, pending FURTHER CONSIDERATION.

COMMUNICATIONS

The Following Communication: H.C. 289

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:

Senate Paper 243, Legislative Document 731, "An Act To Require Mortgage Servicers To Act in Good Faith in Dealings with Homeowners," 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 65 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.

ENACTORS

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

Emergency Measure

An Act To Promote Workforce Participation
H.P. 344 L.D. 481
(H "A" H-548 to C "A" H-326)

The Chair noted the absence of the Senator from Franklin, Senator SAVIELLO, the Senator from York, Senator HILL, the Senator from Cumberland, Senator VOLK, the Senator from Kennebec, Senator KATZ, the Senator from Cumberland, Senator BREEN, the Senator from Aroostook, Senator JACKSON, and the Senator from Waldo, Senator THIBODEAU, and further excused the same Senators from today's Roll Call votes.

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senator having voted in the negative, and 28 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 Clarify Licensing Provisions for the Manufacture and Sale of Liquor
H.P. 1133 L.D. 1642

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senator having voted in the negative, and 28 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 Provide Funding to the Loring Development Authority of Maine for Implementation Grants

H.P. 1134 L.D. 1643

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

Emergency Resolve

Resolve, To Assess the Need for Mental Health Care Services for Veterans in Maine and To Establish a Pilot Program To Provide Case Management Services to Veterans for Mental Health Care

H.P. 853 L.D. 1231
(H "A" H-553 to C "A" H-407)

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

Senate at Ease.

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

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.

Acts

An Act To Protect the Health and Safety of First Responders

H.P. 1036 L.D. 1512
(H "A" H-547 to C "B" H-512)

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.

An Act To Establish the Maine Buy America and Build Maine Act

S.P. 311 L.D. 956
(C "A" S-171; H "A" H-545;
S "A" S-291)

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

An Act To Prevent Violence against Law Enforcement Officers, Emergency Medical Care Providers and Firefighters

S.P. 329 L.D. 990
(H "B" H-542 to C "A" S-265)

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

An Act Regarding Driver's License Suspensions for Non-driving-related Violations

H.P. 827 L.D. 1190
(H "A" H-550 to C "A" H-532)

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.

Senate at Ease.

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

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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

H.P. 354 L.D. 491

Placed on Special Appropriations Table - May 9, 2017, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**

(In Senate, May 2, 2017, **PASSED TO BE ENGROSSED** in concurrence.)

(In House, May 4, 2017, **PASSED TO BE ENACTED.**)

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.

RECESSED until the sound of the bell.

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

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act To Amend the Marijuana Legalization Act to Provide Licensing, Rulemaking and Regulatory and Enforcement Authority within the Department of Administrative and Financial Services; Assign Rulemaking, Regulatory and Enforcement Authority Related to Agricultural Purposes to the Department of Agriculture, Conservation and Forestry; and Allocate Funds for Implementation

H.P. 176 L.D. 243
(C "A" H-221)

Placed on Special Appropriations Table - May 31, 2017, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, May 25, 2017, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)** in concurrence.)

(In House, May 30, 2017, **PASSED TO BE ENACTED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-221), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-312) to Committee Amendment "A" (H-221) **READ**.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Oxford, Senator Hamper.

Senator **HAMPER:** Thank you, Mr. President. What the amendment basically does is move the funding forward one year. It was, as the bill was originally adopted, the funding for the Marijuana Implementation was for 16-17 and this moves that \$1.4 million to 17-18, where we look at our calendars and find that it is

June 28th, therefore moving it ahead one year. Thank you, Mr. President.

On motion by same Senator, Senate Amendment "A" (S-312) to Committee Amendment "A" (H-221) **ADOPTED**.

Committee Amendment "A" (H-221) as Amended by Senate Amendment "A" (S-312) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221) AS AMENDED BY SENATE AMENDMENT "A" (S-312) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Off Record Remarks

RECESSED until the sound of the bell.

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

Off Record Remarks

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:

ENACTORS

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

Act

An Act To Clarify the Authority of an Affiliate of a Utility To Own Power Generation outside of the Utility's Territory
H.P. 536 L.D. 756
(S "A" S-220 to C "A" H-314)

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.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Regarding Solar Power for Farms and Businesses"
S.P. 529 L.D. 1504

In Senate, June 20, 2017, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276) AS AMENDED BY SENATE AMENDMENT "A" (S-293)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276) AS AMENDED BY HOUSE AMENDMENT "B" (H-554)** thereto in **NON-CONCURRENCE**.

Senator **WOODSOME** of York moved the Senate **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#387)

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

NAYS: Senators: BRAKEY, COLLINS, CUSHING, HAMPER, WHITTEMORE, PRESIDENT PRO TEMPORE MASON

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **RECEDE** and **CONCUR PREVAILED**.

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

COMMUNICATIONS

The Following Communication: H.C. 291

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

June 27, 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 1427, "An Act To Make Community Paramedicine Services Permanent."

I believe that to justify the spending of hard-earned taxpayers' money, in this case MaineCare, there should be data indicating whether there is actually any value to the taxpayer. State policy has been to move slowly and cautiously with a new method of delivering medical services, called community paramedicine programs, which entails EMS technicians supplying primary care services.

This bill was introduced as a Department of Public Safety department bill. I supported the bill as introduced because it explicitly stated that state funding, including MaineCare, would not be used to support community paramedicine. There needs to be more research into the effectiveness of community paramedicine before we prioritize it over other, more worthy programs.

For these reasons, I return LD 1427 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 Make Community Paramedicine Projects Permanent
H.P. 981 L.D. 1427

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 (#388)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, 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

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, 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.

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

COMMUNICATIONS

The Following Communication: H.C. 293

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

June 28, 2017

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report 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)

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Regulate and Tax Sports Fantasy League Activities in Maine"

S.P. 449 L.D. 1320

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-314).**

Signed:

Senators:
MASON of Androscoggin
CARPENTER of Aroostook
COLLINS of York

Representatives:
LUCHINI of Ellsworth
CASÁS of Rockport
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
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 Not To Pass.**

Signed:

Representative:
HICKMAN of Winthrop

Reports **READ.**

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

Bill **READ ONCE.**

Committee Amendment "A" (S-314) **READ** and **ADOPTED.**

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

Sent down forthwith for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled 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 28, 2017, by Senator **LIBBY** of Androscoggin

Pending - **FURTHER CONSIDERATION**

(In Senate, June 27, 2017, Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302)**.)

(In House, Report "B" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-303)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-303)** in **NON-CONCURRENCE**.)

Senator **COLLINS** of York moved the Senate **INSIST**.

Senator **CARPENTER** of Aroostook moved the Senate **RECEDE** and **CONCUR**.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, we've had this bill before us for some time now and I know we're all probably a little tired of hearing about it, but I just wanted to emphasize to my friends who want to Insist and send this back to the other Body, where it can die in non-concurrence, if we don't do something. If we don't do something then the Secretary of State will be legally obligated to conduct a ranked-choice voting election for House members, Senate members, and the Governor, which we know, based upon the opinion from the Maine Supreme Judicial Court, will be constitutionally problematic, which is a recipe, in my opinion, for total chaos. Now, if that's what you want, that's fine. That's not what I want. I don't want to be a party to it. I want to do the best I can to follow the will of the voters and help the people, the good people in our towns and cities who have to implement these decisions, to not have to go through an exercise which will have no good end results and literally, literally, could end up, come January, sorry come November of next year, waiting for weeks, if not months, to find out who, in fact, was elected. We're not just talking Governor. We're talking races where there are Legislative races, where there are, potentially, three candidates who are

going to go through this ranked-choice voting process only to find it struck down after a lawsuit has begun. So I would respectfully ask you to vote to Recede and Concur. What that does, it holds, in advance, until someday, if ever, a Constitutional Amendment is passed to change the Constitution, but it effectively repeals, suspends, those portions of the law that the law court found to be problematic and allows the ranked-choice voting process to go forward for the United States Congress, United States Senator, and primaries, where the law court didn't rule. So I would ask you to follow my light and vote to Recede and Concur. Thank you, Mr. President.

The President Pro Tempore requested the Sergeant-At-Arms escort the Senator from Waldo, Senator **THIBODEAU**, to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Androscoggin, Senator **MASON**, to his seat on the floor.

The Senate was called to order by the President.

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

Senator **BRAKEY:** Thank you, Mr. President. I just want to speak very briefly on this. You know, we've heard a lot of people saying that the thing to do is - you know, we have to accept this dual system because somehow that will follow the will of the voters. But the will of the voters was to have a uniform system and that path has been closed to us because it is unconstitutional. The will of the voters was not to create a dual system, which we have heard from two separate Secretary of States would be utter chaos in our election process. So I'm going to be supporting - I will be opposing the motion of Recede and Concur and supporting the motion to Insist, and let's hope and pray that the other chamber does the responsible thing and does the only - takes the only responsible path that is open to us, which is to repeal this bill now, and perhaps sometime in the future we can get a Constitutional Amendment and actually do this in a constitutional fashion. Thank you.

THE PRESIDENT: The Chair would remind members that it's inappropriate to refer to what action may be taken by another chamber. We're concerned about what we're going to do here with regards to this bill. The Chair recognizes the Senator from Cumberland, Senator Chipman.

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, I rise to dispel the myth that the voters voted for having one system and that this would create a dual system. I very much contend that that is not the case because what the voters passed was to have ranked-choice voting for State Representatives, State Senate, Governor, Congressional races. They did not vote to implement ranked-choice voting for county races, for local races, and for Presidential candidates. So regardless of the whole court case and advisory opinion, all of that aside, if there were no issues with that we would still have had to implement a dual system regardless. All this simply does,

the Recede and Concur motion, is add three more races to the already existing list of plurality election races that we would have had to have had anyway and allow ranked-choice voting to go forward for the rest. I wanted to get that on the record and I hope that you will join me in supporting this motion.

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

THE PRESIDENT: The Senator may proceed.

Senator **MASON:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I stand in opposition to the Recede and Concur motion. I stand here also very confused. I have been told time and time again, lectured while sitting in committee, that we need to implement the will of the voters, that we need to implement the will of the voters unchanged, and that this needs to go forward, we need to have ranked-choice voting in this state. I don't agree with that. I don't think that we - I think that the law is completely unconstitutional, as the court has recommended to us. What you have in front of you is not what the voters voted for. What is wanted by the opposition - by the people who are for this motion - is that we have a bifurcated system that would cause mass confusion - and that's not me speaking, that's according to the Clerk's Association, that's according to the Secretary of State's Office. This election system, in general, is going to cause chaos. That is why we need to repeal it, because the entire campaign, everything that was said and that is still on the ranked-choice voting website today, has turned out to be a portion of the truth, at best. Mr. President, I would ask that the Senate, please, reject this motion so we can move onto another and deal with this in an appropriate manner. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you, Mr. President, and ladies and gentlemen of the Senate. We've heard about the confusion and all that will happen if we let this referendum, now law, go on its way, and I don't disagree. But I also suggest to you what we're trying to do, or what may happen if we don't stop this right now, is a huge amount of mother-of-all-confusions. We're going to be asking our local clerks, city and town, to run 700,000 people through two separate election processes. That does not make sense. We cannot expect any logical people to do that. This is not 60,000 or 50,000. It's statewide. Seven hundred thousand people. Two different systems. Two different computer systems. Two different recount systems. Totally different. Fundamentally different. That's what I'm concerned about and, hopefully, we'll be able to make adjustments later on, but right now to send this out and say that we expect this to happen, we expect our local clerks, our town and city clerks, to put this together with the education that is going to be required, the training that's going to be required, and the expense of running a statewide election. This is not a county election. It's not a town or a city. Statewide. It's a huge challenge and to say to everybody that we're going to do that twice, two different ways. It doesn't make sense, Mr. President. I hope you will not put our people in that situation.

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, some of you know of my passion and interest in politics. I'd like us to reflect on what happened in this state when we used to have majority vote for Governor. We almost had a Civil War, Mr. President, because of the gentleman who hangs in the back of this gallery, who served us in many capacities, Joshua Chamberlain. He served as Governor of this state, went on to Brunswick to be the President of Bowdoin College, and was, at that time, the Adjutant General and was called up and lived in this very building in which we now are holding our session for 12 days, holding the integrity of the system in order for the Maine Supreme Court, the same one that has determined that this issue before us is unconstitutional. That body had to determine who was going to be seated in the Legislature so they could then choose who would be elected Governor. I don't want to visit upon our state that type of chaos again, Mr. President. I respect greatly two of our colleagues who have stood here, who in the past have served in many capacities, who now stand on different sides of this. They are men who respect each other and respect us, but, clearly, they are not comfortable with what the result of this referendum visited upon our state. Our Secretary of State is not comfortable, and for that reason, Mr. President, I ask that this Body do its duty and send this bill out of here in a different posture, and that is why I stand now and respectfully ask you to follow my light in opposing the current motion. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion to Recede and Concur. A roll call has been ordered. Is the Senate ready for the question? If you are in favor of the Recede and Concur motion you'll 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 (#389)

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

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **CARPENTER** of Aroostook to **RECEDE** and **CONCUR FAILED**.

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

Ordered sent down forthwith for concurrence.

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

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

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

REPORTS OF COMMITTEES

House

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019" (EMERGENCY)

H.P. 281 L.D. 390

Had the same under consideration, and asked leave to report:

That the House **INSISTED** and **ASKED** for a **SECOND COMMITTEE OF CONFERENCE**.

That the Senate **INSISTED** and **JOINED** in a **SECOND COMMITTEE OF CONFERENCE**.

On the Part of the Senate:

President THIBODEAU of Waldo
Senator KATZ of Kennebec
Senator BREEN of Cumberland

On the Part of the House:

Speaker GIDEON of Freeport
Representative FREY of Bangor
Representative WINSOR of Norway

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED**

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

SECOND COMMITTEE OF CONFERENCE JOINED.

Ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Fund the Agreement with Executive Branch Employees" (EMERGENCY)

H.P. 1135 L.D. 1644

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** 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.

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:

ENACTORS

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

Act

An Act To Modernize Rates for Small-scale Distributed Generation

S.P. 529 L.D. 1504
(H "B" H-554 to C "A" S-276)

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

Ordered sent down forthwith.

Senate at Ease.

The Senate was called to order by the President.

The Chair noted the absence of the Senator from Knox, Senator **MIRAMANT**, the Senator from Penobscot, Senator **GRATWICK**, the Senator from Cumberland, Senator **CHIPMAN**, the Senator from Androscoggin, Senator **BRAKEY**, and the Senator from Franklin, Senator **SAVIELLO**, and further excused the same Senators from today's Roll Call votes.

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 **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)

In Senate, June 28, 2017, that Body having **INSISTED** on its former action whereby Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302)** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302)**.

Comes from the House, that Body having **INSISTED** on its former action whereby Report "B" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-303)** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-303)** in **NON-CONCURRENCE** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Senator **MASON** of Androscoggin moved the Senate **INSIST**.

Senator **CARPENTER** of Aroostook moved the Senate **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#390)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, DESCHAMBAULT, DILL, DION, JACKSON, LIBBY, MILLETT, VITELLI

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

EXCUSED: Senators: BRAKEY, CHIPMAN, GRATWICK, MIRAMANT, SAVIELLO

12 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 5 Senators being excused, the motion by Senator **CARPENTER** of Aroostook to **RECEDE** and **CONCUR FAILED**.

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

Ordered sent down forthwith.

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:

Emergency Measure

An Act To Amend the Marijuana Legalization Act to Provide Licensing, Rulemaking and Regulatory and Enforcement Authority within the Department of Administrative and Financial Services; Assign Rulemaking, Regulatory and Enforcement Authority Related to Agricultural Purposes to the Department of Agriculture, Conservation and Forestry; and Allocate Funds for Implementation

H.P. 176 L.D. 243
(S "A" S-312 to C "A" H-221)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 2 Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Thursday, June 29, 2017 at 10:00 in the morning.