

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
Monday
July 3, 2017

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

Prayer by Senator Dana L. Dow of Lincoln County.

SENATOR DOW: Thank you, Mr. President. I was going to do this yesterday of course, but we couldn't. I would ask for special permission to give a very short message of peace and blessing and they allowed that I could do that and so you are all free to sit down and, within a minute or two, I will have you stand for the prayer. But you can be seated.

"I must be true to my conviction that I share with all men, the calling to be a son of the Living God." So with the beginning words of Martin Luther King Jr., as he poised a new direction for his movement given at the Riverside Church in New York City on April 4th in 1967, that signaled a shift, applying principles of justice, equality, and brotherhood beyond the Black community to the problems faced by other people groups: the poor and the disenfranchised. He went on to say, "Beyond the calling of race or nation or creed is this vocation of son-ship and brotherhood, and because I believe that the Father is deeply concerned, especially for His suffering and helpless and outcast children, He came that night to speak for them." Two thousand years earlier, the Apostle Paul also spoke about divisions and our role as leaders. In Ephesians Chapter 2, verse 10, which, by the way, is the key verse for the entire Book of Ephesians, he wrote, "For we are God's handiwork, created in Christ Jesus to do good works which God prepared in advance for us to do." We are his handiworks. We are his instruments. In the Greek it's poiema. It's translated poiema and means that we are His masterpiece of reconciliation. He was speaking to the church at Ephesus. But the message also applies to us and I want you to know that he's speaking not to individuals but to a group. He's speaking to not you but to you, we, for I also am included in this group and we have been called a masterpiece of reconciliation in a divided world. Continuing on in the same theme, Martin Luther King Jr.'s theme of brotherhood, Paul talks about divides and he says, "For he, himself," meaning Christ, "is our peace, who has made the two groups one and has destroyed the barrier, the dividing wall of hostility." Paul is talking about the greatest dividing wall in history at that time, the wall between Jews and Greeks, the Greek speaking world. He says that that wall has been destroyed. The barrier has been broken and that its purpose was to create in himself one new humanity out of the two. That has become our role in this Senate that we have played out very well and we have been an instrument of peace. J.B. Phillips, in his translation of that passage, wrote that God has come to both Jew and Greek and declared that the war is over. So we need to be proud of our efforts this year. We have all been a blessing to each other and we stand here today to receive the blessings of our Father in Heaven. Our role is an instrument of peace.

May you rise for the prayer. Heavenly Father, we thank You for the blessings You have bestowed upon us and may we continue to be good leaders and to continue to be His poiema, His masterpiece of reconciliation in the world today. We ask it all in the name of God the Father and the Lord Jesus Christ. Amen.

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

Reading of the Journal of Saturday, July 1, 2017.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Protect the Integrity of Maine Elections by Requiring Photographic Identification for the Purpose of Voting"
H.P. 1122 L.D. 1627

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

Comes from the House with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

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 Correct Errors and Inconsistencies in the Laws of Maine

H.P. 1112 L.D. 1616
(C "A" H-556)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senator having voted in the negative, and 35 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.

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

ORDERS

Joint Order

On motion by Senator **MASON** of Androscoggin, the following Joint Order:

S.P. 599

Ordered, the House concurring, that when the Senate and House adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct business or consider objections of the Governor.

READ and PASSED.

Ordered sent down forthwith for concurrence.

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 **RECEDE; ACCEPT** Report "C" **Ought to Pass as Amended; READ** Committee Amendment "C" (H-475); **READ** and **ADOPT** Committee of Conference Amendment "B" (H-557) to Committee Amendment "C" (H-475); **ADOPT** Committee Amendment "C" (H-475) as amended by Committee of Conference Amendment "B" (H-557) thereto; and **PASS** the **BILL TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475) AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "B" (H-557)** thereto.

That the Senate **RECEDE** and **CONCUR** with the House.

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

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

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

On motion by Senator **HAMPER** of Oxford, the Senate **RECEDED** and **CONCURRED**.

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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

In Senate, July 3, 2017, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475) AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "B" (H-557)** thereto in concurrence.

Comes from the House, that Body **REJECTED** the **THIRD COMMITTEE OF CONFERENCE REPORT** and **ASKED FOR A FOURTH COMMITTEE OF CONFERENCE**.

On motion by Senator **HAMPER** of Oxford, the Senate **INSISTED** and **JOINED THE FOURTH COMMITTEE OF CONFERENCE**.

Ordered sent down forthwith for concurrence.

With reference to the action of the Senate whereby it **INSISTED** and **JOINED THE FOURTH COMMITTEE OF CONFERENCE** on the disagreeing action of the two branches of the legislature on:

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

The Chair appointed as conferees on the part of the Senate the following:

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

RECESSED until the sound of the bell.

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

The following proceedings were conducted after 12:01a.m., Tuesday, July 4, 2017.

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 **RECEDE; ACCEPT** Report "C" **Ought to Pass as Amended; READ** Committee Amendment "C" (H-475); **READ** and **ADOPT** Committee of Conference Amendment "C" (H-558) to Committee Amendment "C" (H-475); **ADOPT** Committee Amendment "C" (H-475) as amended by Committee of Conference Amendment "C" (H-558) thereto; and **PASS** the **BILL TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475) AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "C" (H-558)** thereto.

That the Senate **RECEDE** and **CONCUR** with the House.

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.

On motion by Senator **HAMPER** of Oxford, the Senate **RECEDED** and **CONCURRED**.

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 the President.

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

COMMUNICATIONS

The Following Communication: S.C. 564

STATE OF MAINE 128TH LEGISLATURE OFFICE OF THE PRESIDENT

July 3, 2017

Honorable Heather J.R. Priest
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Priest:

In reference to the action of the Senate on July 3, 2017 in which it Insisted and Joined in a Committee of Conference on L.D. 390, "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" (H.P. 281) I am pleased to appoint the following as conferees on the part of the Senate:

Senator Michael D. Thibodeau of Waldo
Senator Roger J. Katz of Kennebec
Senator Cathy Breen of Cumberland

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 306

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

July 3, 2017

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

Dear Secretary Priest:

The Speaker appointed the following conferees to the Fourth 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).

Speaker Sara Gideon of Freeport
Representative Aaron M. Frey of Bangor
Representative Tom J. Winsor of Norway

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

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 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

H.P. 281 L.D. 390
(C "C" H-475; CC "C" H-558)

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

Senator **HAMPER:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, once again we have in front us the essence of a compromise and, Mr. President, I request a roll call.

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

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

Senator **BREEN:** Thank you, Mr. President. Women and men of the Senate, I want to thank all of us in this Body for your patience and endurance over the last few challenging weeks, especially few challenging days. It's been very impressive how the Senate has hung together and I want to thank you, Mr. President, for your leadership and thank the members of the Body. The other people we need to really thank tonight are the professionals who serve in this building in the Office of Finance and in the Revisor's Office. These folks have shown extraordinary professionalism, dedication, positive regard, patience. The State of Maine is very, very fortunate to have an incredible group. The staff in this Chamber, in both the Democratic office, Republican Office, the President's office, but, in particular, the folks downstairs who have been backing us up every minute of every day and every night. I'm sure I speak for everyone when I thank them and congratulate them on helping us get to the finish line. Thank you, Mr. President.

THE PRESIDENT: This Bill, having had its two several readings in the House, its two several readings in the Senate, having been Passed to be Engrossed and reported by the Committee on Engrossed Bills as truly and strictly engrossed, having been Passed to be Enacted in the House and signed by the Speaker, is it the pleasure of the Senate that this bill be Passed to be Enacted? This, being an Emergency Measure, under the Constitution will require for its Enactment the affirmative vote of two-thirds of the entire elected membership of the Senate. Members will please indicate electronically how they wish to be recorded. If you are in favor of Enactment 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 (#396)

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

NAYS: Senators: None

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senator having voted in the negative, and 35 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

ADJOURNED, pursuant to the Joint Order, until the call of the President of the Senate.