

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

First Special Session
beginning October 23, 2017

beginning at Page 1382

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

In Senate Chamber
Monday
November 6, 2017

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

Prayer by Senator Nathan L. Libby of Androscoggin County

SENATOR LIBBY: Good evening. Let us pray. God, let us be thankful for the roofs over our heads, for the food in our pantries, for the heat from our furnaces, for the electricity from the power - to power life's necessities and luxuries, and let us do everything we can to help those without any of those, and let us share in a moment of silence for the victims and survivors of gun violence in Sutherland Springs, Texas; Las Vegas, Nevada; and the 13 other locations in our country over the past year. Amen.

Pledge of Allegiance led by Senator Garrett P. Mason of Androscoggin County.

Reading of the Journal of Monday, October 23, 2017.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 695

**STATE OF MAINE
128TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

October 26, 2017

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

Dear Secretary Priest,

Pursuant to my authority under Public Law 2017, Chapter 25, I am pleased to appoint the following legislators and members of the public to serve on the Maine Bicentennial Commission, effective October 26, 2017:

Representative James Handy of Lewiston as a member of the House of Representatives and House Chair

Representative David Haggan of Hampden as a member of the House of Representatives

David Cheever of Augusta, Maine State Archivist, as a representative of a statewide museum organization promoting the state's historic and natural heritage

Hayden Anderson of Portland, Executive Director of the Maine Humanities Council, as a representative of a statewide humanities organization that uses humanities as a tool for positive change in the state's communities

Julie Richard of Augusta, Executive Director of the Maine Arts Commission, as a representative of a statewide organization that promotes arts and culture in the state

Esther Anne of Stillwater, Co-Director of Maine Wabanaki-REACH, as a representative of a statewide organization that promotes the heritage and history of the state

Jamie Ritter of Augusta, Maine State Librarian, as a representative of a statewide organization that promotes and enhances the value of state libraries

Jason Libby of Augusta, Vice Chairman of the Maine Historic Preservation Commission, as a representative of a statewide organization that promotes historical preservation

If you have any questions, please don't hesitate to contact my office.

Sincerely,

S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 696

**STATE OF MAINE
128TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

October 30, 2017

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

Dear Secretary Priest,

Pursuant to my authority under Public Law 2017, Chapter 25, I am pleased to appoint the following members of the public to serve on the Maine Bicentennial Commission, effective October 30, 2017:

Esther Anne of Stillwater, Co-Director of Maine Wabanaki-REACH, as the Speaker's designee

Steve Bromage of Portland, Executive Director of the Maine Historical Society, as a representative of a statewide organization that promotes the heritage and history of the state

If you have any questions, please don't hesitate to contact my office.

Sincerely,

S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 697

**MAINE HEALTH AND HIGHER
EDUCATIONAL FACILITIES AUTHORITY
AUGUSTA, ME**

October 31, 2017

The Honorable Michael Thibodeau
President of the Maine Senate
3 State House Station
Augusta, ME 04333-0003

Dear President Thibodeau:

Pursuant to M.R.S.A. Title 22, Chapter 413, Section 2069, on behalf of the Board and staff of the Maine Health and Higher Educational Facilities Authority, I am pleased to provide you with our Fiscal Year 2017 Annual Report.

The Maine Health and Higher Educational Facilities Authority was established by the legislature in 1972. Since its inception, the Authority has issued in excess of \$5 billion to meet the capital needs of Maine's healthcare and higher educational institutions.

During fiscal year 2017, the Authority issued \$227,170,000 under its general tax exempt conduit resolution and \$39,000,000 under its moral obligation reserve fund resolution. These sales were accomplished in 5 series for 2 colleges, 12 hospitals and 2 nursing homes.

In addition, Pursuant to M.R.S.A Title 22, Chapter 413, Section 2075, paragraph 1C, the Authority certifies that our reserve fund investments exceed the reserve fund requirement at June 30, 2017.

We are proud of our accomplishments and look forward to continuing our commitment of providing the lowest cost financing to the community we serve.

Sincerely,

S/Michael R. Goodwin, Executive Director

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 698

**STATE OF MAINE
OFFICE OF TAX POLICY
MAINE REVENUE SERVICES
24 STATE HOUSE STATION
AUGUSTA, MAINE**

November 1, 2017

Senate President Thibodeau
Speaker of the House Gideon
Members of the 128th Maine Legislature:

Pursuant to 5 M.R.S.A. §13070-J, Maine Revenue Services (MRS) is required to submit a report to the Legislature identifying the revenue foregone as the result of the Jobs and Investment Tax Credit ("JITC"), the Research Expense Tax Credit ("R&D"), the Seed Capital Investment Tax Credit, the Shipbuilding Facility Credit, the Credit for Maine Fishery Infrastructure Investment, and public funds spent on the Business Equipment Tax Reimbursement ("BETR") program. Attached are three reports that provide you with this information.

The First attachment shows the number of individual and corporate JITC, R&D, and Seed Capital credits for tax year 2015, as well as the value of those credits. Tax year 2015 is the last year for which we have full information on both corporate and individual filers. Statutes governing the release of confidential taxpayer information prevent us from reporting the names of the corporations or individuals that benefited from these tax credits. No taxpayer took advantage of the Credit for Maine Fishery Infrastructure Investment in tax year 2015.

The second attachment explains the Shipbuilding Facility credit. As required by statute, the report provides information on the level of employment, yearly investment and the cumulative amount of investment. Since the inception of the credit, the level of employment has been such that the annual cost to the state treasury has been at least \$3 million per year.

The third attachment is a list of BETR recipients. For purposes of this report, businesses that filed for reimbursement during the fiscal year ending June 30, 2017 are listed. Recipients filed between August 1, 2016 and December 31, 2016 for eligible property taxes paid during calendar year 2015. For that period the state reimbursed \$31,787,742 to 1,430 companies.

Public Law 2017, chapter 211 (LD 1551) repealed the requirement that MRS issue this annual report. In the future the information included in this report will be found in the biennial *Tax Expenditure* report issued in February of each odd-numbered year.

If you have any questions on this report, please do not hesitate to contact me.

Sincerely,

S/Michael J. Allen

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 699

**MAINE HUMAN RIGHTS COMMISSION
#51 STATE HOUSE STATION
AUGUSTA, ME**

October 25, 2017

The Honorable Paul LePage, Governor
The Honorable Michael D. Thibodeau, President of the Maine Senate
The Honorable Sara Gideon, Speaker of the Maine House of Representatives
State House, Augusta, Maine 04333

Dear Governor LePage, President Thibodeau and Speaker Gideon:

On behalf of the Commissioners and staff of the Maine Human Rights Commission ("Commission"), we are pleased to present you with the 2017 Annual Report of the Commission. As you will see from the following, the Commission continues to uphold its statutory charge to enforce Maine's anti-discrimination laws. A few highlights are as follows:

- The number of new complaints filed in Fiscal Year 2017 increased by 12.4% from the year (from 611 to 687).
- Of new complaints filed, 69.4% were based on employment, 14.8% were based on housing, 15.1% were based on public accommodations, and 0.7% were based on education.
- With respect to type of allegation, *disability discrimination* represented 28.4% of complaints filed (an increase from last year's 25.2%). *Retaliation* complaints increased from 19.1% to 26.8% of complaints filed, with whistleblower retaliation complaints decreasing from 18.9% to 9.5%. *Sex discrimination* complaints decreased from 15.1% to 14.1%; sexual harassment is alleged in 39% of sex discrimination complaints. *Race/color/national origin/ancestry* complaints constituted 10.5% of complaints filed, an increase from 9.6% last year. *Age* complaints comprised 7.6%, and *sexual orientation* complaints were 1.1%, of complaints filed.

- Of the 228 cases in which Commission staff completed Investigator's Reports, 70.6% (161 cases) were uncontested. Commissioners heard argument in 67 of the 228 cases.
- In 31 of the 228 cases determined by the Commission after an Investigator's Report, the Commissioners found "reasonable grounds" to believe discrimination occurred, a rate of 13.6% (an increase from the prior year's 11.2%). In these 228 cases decided by Commissioners, there were 1697 distinct *claims* of discrimination made; of these claims, Commissioners found "reasonable grounds" in 150 claims. The reasonable grounds rate for Commission *claims* was 8.8%.
- At the end of FY 2017, 798 cases remained pending, a 9.9% increase in pending cases from the prior year.
- Commission staff delivered or participated in or delivered more than 38 training forums during FY 2017.

The Commission continues to promote diversity and tolerance, and to work to eliminate unlawful discrimination for all citizens of and visitors to Maine. We hope this report is of assistance, as our agency seeks to work closely with the Executive and Legislative branches as we jointly assure the citizens of Maine the protections afforded under the Maine Human Rights Act.

Sincerely,

S/Arnold Clark, Chairman of Maine Human Rights Commission

READ and ORDERED PLACED ON FILE.

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

ORDERS

Senate Resolution

On motion by Senator **SAVIELLO** of Franklin, the following Senate Resolution:

S.R. 1

**STATE OF MAINE
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN
SENATE RESOLUTION,
RECOGNIZING THE FIRST ANNUAL
FIRST-GENERATION COLLEGE CELEBRATION**

WHEREAS, the concept of "first-generation college student," meaning a person neither of whose parents completed a baccalaureate degree, was introduced into federal policy by the TRIO community in 1980, in the federal Education Amendments of 1980, which amended the federal Higher Education Act of 1965; and

WHEREAS, "TRIO" refers to the federally funded programs, originally 3, now 8, increasing access to higher education for economically disadvantaged students; and **WHEREAS**, even in 2017, campuses and communities are too often blind to the academic capabilities and gifts that lie dormant within so many first-generation college students; and **WHEREAS**, TRIO educators continue to be called upon to highlight the return on investment our country receives from providing first-generation college students an opportunity to reach their full potential through college; and **WHEREAS**, in response, the Council for Opportunity in Education, in partnership with the National Association of Student Personnel Administrators - Student Affairs Administrators in Higher Education and other higher education organizations, is asking college access and success professionals to join with TRIO's Ronald E. McNair Postbaccalaureate Achievement Program and Student Support Services projects across the country for the First Annual First-Generation College Celebration on November 8, 2017, which is the 52nd anniversary of the federal Higher Education Act of 1965; now, therefore, be it **RESOLVED**: That We, the Members of the Senate of the One Hundred and Twenty-eighth Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize the First Annual First-Generation College Celebration and the valuable contributions of first-generation college students to our communities.

READ and ADOPTED.

Senate at Ease.

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: H.C. 347

November 6, 2017

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

Dear Secretary Priest:

House Paper 1139, Legislative Document 1650, "An Act To Amend the Marijuana Legalization Act," 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?"

74 voted in favor and 62 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.**

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

ORDERS

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

S.O. 21

Ordered, that a message be sent to Governor Paul R. LePage informing him that the Senate has transacted all business before it and is ready to Adjourn Without Day.

READ and PASSED.

The Chair appointed the Senator from Androscoggin, Senator **MASON**, to deliver the message to the Governor. The Senator was escorted to the Governor's Office.

Subsequently, the Senator from Androscoggin, Senator **MASON**, reported that he had delivered the message with which he was charged.

On motion by Senator **VOLK** of Cumberland, the following Senate Order:

S.O. 22

Ordered, that a message be sent to the House of Representatives informing that Body that the Senate is ready to Adjourn Without Day.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **VOLK**, to deliver the message to the House. The Senator was escorted to the House of Representatives.

Subsequently, the Senator from Cumberland, Senator **VOLK**, reported that she had delivered the message with which she was charged.

Senate at Ease.

The Senate was called to order by the President.

At this point a message was received from the House of Representatives, borne by Representative HERBIG of Belfast, informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

Senator **GRATWICK** of Penobscot moved to **ADJOURN SINE DIE**.

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

On motion by Senator **GRATWICK** of Penobscot, the Honorable **MICHAEL D. THIBODEAU**, President of the Senate, declared the First Special Session of the 128th Legislature **ADJOURNED SINE DIE** at 5:12 in the afternoon.