

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

Second Regular Session
beginning January 3, 2018

beginning at Page 1451

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

In Senate Chamber
Tuesday
January 16, 2018

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

Prayer by Pastor Ed Hatch, Palermo Christian Church.

PASTOR HATCH: Good morning. I was thinking today as I came in about the slogan that has become very popular, Let's Make America Great Again. I have absolutely no interest in getting in any political discussions about that slogan. However, as I thought about that, what makes America great, I don't believe, is our military might. What doesn't make America great is our economic thing. But Jesus said these words, he said that whoever would be great among you must be your servant and real greatness in our state, in our country, comes when people care about other people and are serving them as Jesus gave us a great example for. Let's bow for prayer.

Our Heavenly Father, we come to You today, thanking You for Your love for us. We thank You for Jesus. We thank You for these people who are gathered together here today to do very important work. It's my prayer that You would help them. Lord, many of them are coming with concerns that are outside of this building; perhaps in their family or their work or community, issues that may be weighing them down. I pray You give them clarity of mind and heart and help them to do the job that we, as the people of Maine, have asked them to do and that they might do it as servants and that we might benefit from the wisdom of this group. We ask it in Jesus' name. Amen.

Pledge of Allegiance led by Senator Ronald F. Collins of York County.

Reading of the Journal of Thursday, January 11, 2018.

Doctor of the day, Richard Fein, D.O. of Manchester.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Improve Marketing Efficiency in the Harness Racing Industry by Requiring Its Promotion by the State Harness Racing Commission and by Repealing the Harness Racing Promotional Board"

H.P. 1220 L.D. 1766

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

In Senate, January 9, 2018, on motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

House Papers

Bill "An Act To Amend the Laws Regarding Aggravated Trafficking of Scheduled Drugs"

H.P. 1228 L.D. 1783

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **ROSEN** of Hancock, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Bill "An Act To Encourage New Major Investments in Shipbuilding Facilities and the Preservation of Jobs"

H.P. 1227 L.D. 1781

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

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

COMMUNICATIONS

The Following Communication: S.C. 745

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

January 11, 2018

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Coleman R. Palmer of Phippsburg, for reappointment to the Maine Rural Development Authority.

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

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

ROLL CALL (#479)

YEAS: Senators: None

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

EXCUSED: Senators: CARSON, HILL

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Coleman R. Palmer** of Phippsburg for reappointment to the Maine Rural Development Authority was **CONFIRMED**.

The Secretary will inform the Speaker of the House of Representatives of the Senate's action.

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Coleman R. Palmer of Phippsburg, for reappointment to the Maine Rural Development Authority be confirmed.

Signed,

S/Amy F. Volk
Senate Chair

S/Ryan M. Fecteau
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Following Communication: S.C. 746

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

January 11, 2018

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

Dear Mr. President:

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

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

YEAS	Senators	2	Volk of Cumberland, Bellows of Kennebec
	Representatives	7	Fecteau of Biddeford, Austin of Gray, Doore of Augusta, Handy of Lewiston, Mastraccio of Sanford, Stetkis of Canaan, Sylvester of Portland
NAYS		0	
ABSENT		4	Sen. Langley of Hancock, Rep. Bates of Westbrook, Rep. Lockman of Amherst, Rep. Vachon of Scarborough

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Michael A. Duguay of Waterville, for appointment to the Maine Rural Development Authority be confirmed.

Signed,

S/Amy F. Volk
Senate Chair

S/Ryan M. Fecteau
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#480)

YEAS: Senators: None

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

EXCUSED: Senators: CARSON, HILL

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Michael A. Duguay** of Waterville for appointment to the Maine Rural Development Authority was **CONFIRMED**.

The Secretary will inform the Speaker of the House of Representatives of the Senate's action.

The Following Communication: S.C. 739

**STATE OF MAINE
128TH LEGISLATURE
OFFICE OF THE PRESIDENT**

January 10, 2018

Chief Justice Leigh I. Saufley
Maine Supreme Judicial Court
205 Newberry Street, Room 139
Portland, Maine 04101

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 128th Maine Legislature on Tuesday, February 27, 2018, at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 740

**STATE OF MAINE
128TH LEGISLATURE
OFFICE OF THE PRESIDENT**

January 9, 2018

Major General Douglas A. Farnham
Adjutant General, Maine National Guard
33 State House Station
Augusta, Maine 04333

Dear General Farnham:

We are pleased to invite you to address a Joint Session of the 128th Maine Legislature on Tuesday, February 20, 2018, at 11:00 a.m., concerning matters of defense, veterans' services, emergency management and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Michael D. Thibodeau S/Sara Gideon
President of the Senate Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 744

STATE OF MAINE
128TH LEGISLATURE L.D. 1662
OFFICE OF THE PRESIDENT

January 11, 2018

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

Dear Secretary Priest,

Pursuant to my authority under Resolve 2017, Chapter 27, I have rescinded the appointment of Derek Langhauser of Cumberland Foreside, as a member of the Commission to Streamline Veterans' Licensing and Certification. President Langhauser has a scheduling conflict and cannot attend the January 12th meeting. He has expressed to me his support for the task force work and recommendations.

Furthermore, I have appointed Nina Fisher, of Farmingdale, to the Commission to Streamline Veterans' Licensing and Certification as a member of an educational institution with programming that result in licensing or certification. This appointment is effective on the date of this letter.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 742

STATE OF MAINE
ONE HUNDRED AND TWENTY EIGHTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

January 9, 2018

Honorable Michael D. Thibodeau, Senate President
Honorable Sara Gideon, Speaker of the House
128th Maine State Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by Rep. Dunphy of Old Town for the Department of Agriculture, Conservation and Forestry, to report the following bill Leave to Withdraw:

Resolve, Regarding Legislative Review of Portions of Chapter 307: Fees for Testing Weighing and Measuring Devices, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

Sincerely,

S/Sen. Paul T. Davis, Sr.
Senate Chair

S/Rep. Michelle Ann Dunphy
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 743

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

January 11, 2018

Honorable Michael D. Thibodeau, Senate President
Honorable Sara Gideon, Speaker of the House
128th Maine State Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Langley of Hancock, to report the following bill Leave to Withdraw:

L.D. 1733 An Act Concerning Locations for Career and Technical Education Regions and Centers

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. Tori P. Kornfield
House Chair

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

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

Off Record Remarks

Senate at Ease.

The Senate was called to order by the President.

SENATE PAPERS

Bill "An Act Authorizing Changes to the Ownership and Leases of Certain Public Lands"

S.P. 668 L.D. 1789

Presented by Senator DAVIS of Piscataquis.
Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 203.

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

Sent down for concurrence.

Bill "An Act To Provide for the 2018 and 2019 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

S.P. 666 L.D. 1787

Presented by Senator VOLK of Cumberland.
Cosponsored by Representative FECTION of Biddeford and Senators: LANGLEY of Hancock, President THIBODEAU of Waldo, Representative: AUSTIN of Gray.
Submitted by the Finance Authority of Maine pursuant to Joint Rule 203.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

On motion by Senator **VOLK** of Cumberland, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT.**

Sent down for concurrence.

Bill "An Act To Increase Safety on a Youth Hunting Day for Hunting Bear by Allowing an Accompanying Adult To Possess a Firearm"

S.P. 669 L.D. 1790

Presented by Senator CUSHING of Penobscot.
Cosponsored by Senator: CYRWAY of Kennebec, Representative: HAGGAN of Hampden.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

On motion by Senator **CYRWAY** of Kennebec, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator **CHENETTE** of York (Cosponsored by Senator: CHIPMAN of Cumberland, Representatives: ACKLEY of Monmouth, HARLOW of Portland), the following Joint Resolution:
S.P. 667

**STATE OF MAINE
IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN**

JOINT RESOLUTION

MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES TO CALL A CONSTITUTIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO RESTORE FREE AND FAIR ELECTIONS

WHEREAS, the framers of the United States Constitution intended that the Congress of the United States should be "dependent on the people alone"; and
WHEREAS, that dependency has evolved from a dependency on the people alone to a dependency on powerful special interests, through campaigns or 3rd-party groups, that has created a fundamental imbalance in our representative democracy; and

WHEREAS, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportional influence of special interests and fair enough that any citizen can be elected to office; and

WHEREAS, the Constitution of Maine, Article I, Section 2 states that "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit," and the people have an unalienable and indefeasible right to reform the government when desired; and

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

RESOLVED: That the Legislature of Maine respectfully applies to the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the United States Constitution that will permanently protect free and fair elections by addressing concerns about the removal of restrictions on amounts of independent political spending through Citizens United v. Federal Election Commission and related cases and events including those occurring long before or afterward or for a substantially similar purpose, and desires that the requested convention should be limited to that purpose; and be it further

RESOLVED: That this State desires that the delegates to the requested convention be composed equally of individuals currently elected to state and local office or be selected by election in each congressional district for the purpose of serving as delegates and all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the requested convention and that the State intends to retain the ability to restrict or expand the power of its delegates within the limits expressed in this paragraph; and be it further

RESOLVED: That this application by this body constitutes a continuing application in accordance with the United States Constitution, Article V together with similar applications calling for a convention passed in Vermont, California, Illinois, New Jersey and Rhode Island and all other passed, pending and future applications until at least 2/3 of the legislatures of the several states have made similar application pursuant to Article V and the convention is convened by the Congress of the United States; and be it further

RESOLVED: That this application is void, rescinded and of no effect in the event that such a convention is not limited to such a specific and exclusive purpose; and be it further

RESOLVED: That the people of the State speaking through its Legislature, and pursuant to Article V of the United States Constitution, hereby apply to the Congress of the United States to call a convention for the exclusive purpose of proposing an amendment to the United States Constitution that will restore free and fair elections as described herein, as soon as 2/3 of the several states have applied for a convention for a similar purpose; and be it further

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

READ.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (1/11/18) matter:

Bill "An Act To Provide for In-person Visitation of Incarcerated Persons"

S.P. 665 L.D. 1782

Tabled - January 11, 2018 by Senator **DAVIS** of Piscataquis

Pending - **REFERENCE**

(Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.)

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent down for concurrence.

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, January 18, 2018 at 10:00 in the morning.