

# 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  
Thursday  
January 25, 2018

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

Prayer by Reverend Mark Wilson, First Congregational Church, UCC, in Waterville.

**REVEREND WILSON:** Together, folks, let us be in the spirit of prayer please. Holy One, we name You with many names or with none. You judge a people by how well the least, the lost, the last, and the little are faring. How well these folks are doing in our state shows how faithful we are being to You and so may our hearts and words and deeds then be for the poor and the oppressed, the homeless and the hungry, the lonely and the ill, the immigrant and the stranger, those from away, those working full-time and not earning a living wage, those without access to health insurance or healthcare or an education, those who are on the margins of our community. You have blessed this state with plenty, and for that we give thanks, and now give us the courage and the will to seek justice, to practice hospitality, and to redistribute our wealth so that sharing by all will mean scarcity for none. Amen.

Pledge of Allegiance led by Senator James M. Hamper of Oxford County.

Reading of the Journal of Tuesday, January 23, 2018.

Doctor of the day, Cynthia A. Self, M.D. of Bangor.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **MASON** of Androscoggin, the following Joint Order:  
S.P. 675

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, January 30, 2018 at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down for concurrence.

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**PAPERS FROM THE HOUSE**

**Pursuant to Statute  
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission" (EMERGENCY)

H.P. 1239 L.D. 1795

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statute  
ConnectME Authority**

The **ConnectME Authority**, pursuant to the Maine Revised Statutes, Title 5, section 8072, asked leave to report that the accompanying measure, Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority (EMERGENCY)  
H.P. 1243 L.D. 1798

Be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statute  
Public Utilities Commission**

The **Public Utilities Commission**, pursuant to the Maine Revised Statutes, Title 5, section 8072, asked leave to report that the accompanying measure, Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1244 L.D. 1799

Be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statute  
Department of Environmental Protection**

The **Department of Environmental Protection**, pursuant to the Maine Revised Statutes, Title 5, section 8072, asked leave to report that the accompanying measure, Resolve, Regarding Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1242 L.D. 1797

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statute  
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072, asked leave to report that the accompanying measure, Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1245 L.D. 1800

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statute  
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072, asked leave to report that the accompanying measure, Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1246 L.D. 1801

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statute  
Commission on Governmental Ethics and Election Practices**

The **Commission on Governmental Ethics and Election Practices**, pursuant to the Maine Revised Statutes, Title 5, section 8072, asked leave to report that the accompanying measure, Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 1247 L.D. 1802

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statute  
Gambling Control Board**

The **Gambling Control Board**, pursuant to the Maine Revised Statutes, Title 5, section 8072, asked leave to report that the accompanying measure, Resolve, Regarding Legislative Review of Chapter 28: Advanced Deposit Wagering, a Major Substantive Rule of the Gambling Control Board (EMERGENCY)

H.P. 1248 L.D. 1803

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Joint Order**

The following Joint Order:

H.P. 1241

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services shall report out, to the House, a bill regarding recent rules adopted pursuant to the Maine Medical Use of Marijuana Act.

Comes from the House, **READ** and **PASSED**.

**READ** and **PASSED**, in concurrence.

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Off Record Remarks

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**COMMUNICATIONS**

The Following Communication: S.C. 787

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES**

January 24, 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 Environment and Natural Resources has had under consideration the nomination of Mark P. Dubois of Falmouth, for appointment to the Board of Environmental Protection.

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	Saviello of Franklin, Volk of Cumberland
	Representatives	8	Tucker of Brunswick, Campbell of Orrington, Duchesne of Hudson, Fay of Raymond, Kinney of Limington, Martin of Eagle Lake, Pierce of Dresden, Strom of Pittsfield
NAYS	Senators	1	Gratwick of Penobscot
	Representatives	2	Harlow of Portland, Zeigler of Montville
ABSENT		0	

Ten members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Mark P. Dubois of Falmouth, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/Thomas B. Saviello  
Senate Chair

S/Ralph L. Tucker  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Chair noted the absence of the Senator from York, Senator **COLLINS**, and the Senator from Penobscot, Senator **CUSHING**, and further excused the same Senators from today's Roll Call votes.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Mr. President, I rise in opposition to the nomination of Mark Dubois to the Board. I will speak of my own concerns, but also of those of a number of our fellow citizens. I suspect that many of you have heard from them as well. Mr. Dubois is not just a member of a local business. Were it so, I would have no objection whatsoever. But he is a representative of mega corporations: Poland Springs and Nestle are \$270 billion corporation per year. That's a corporation with a budget that's nearly 70 times larger than what we have here in Maine. Enormous influence. A corporation which is now going to insert itself into the regulatory system of our government. This is a Board that is supposed to be regulating these groups, not to be - have those members on it. This is the fox in the henhouse. He is a very nice fox, but he has no business in our henhouse.

I'm sure you are all aware of the experiment of the frog in hot water where if you put a frog in boiling water, it will really rapidly jump out. It will not be there. On the other hand, if you put a frog in a bowl of cold water and gradually turn up the heat, the frog will die. This is the same. It is a very innocuous first step, but there will be trouble later. This is the thin end of the wedge. This represents a trend which we've all observed in our lifetime, a relatively recent trend. We rarely think about this. It's the growing power of mega corporations in our world. Do we really want this? In Mr. Dubois' defense, he's put in writing, "I will also recuse myself on matters relating to ground water withdrawal for bottled water purposes, even if my employer is not a direct participant." I think this is important to have this in the record. That is, in my opinion, good but not good enough.

Past President Jimmy Carter focused on peace and elections worldwide. He said, and I find this incredibly disturbing, that here in America we no longer live in a democracy, but rather in an oligarchy ruled by the well-to-do, ruled by money, ruled by the 1%, by corporations. I find this deeply shocking. What do I tell my granddaughter, who's now in 5<sup>th</sup> grade, when she comes home proud of living in a democracy, knowing what it means, and saying we do not live in a democracy; we live in an oligarchy.

This is an unhealthy trend. It's an unhealthy trend for my granddaughter. It's not a healthy trend for us, for Maine. I urge you to vote against this and to follow my light. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you, Mr. President. Mr. President, I'm sad that I have to rise to speak to this occasion because I've checked the law books very carefully in relation to this, and I'm sure you've heard how bad I really am in your e-mails; but I can find nowhere in there when it says it's going to appoint someone to a board like this that they cannot work for someone. Nowhere can I find that. If anything, we want to have someone who really cares about the resource because, of everything, they want to protect that resource.

As was said yesterday in the committee, we talk about the mining rules. What better person to have on there than a hydrogeologist that is worried about water quality. So I have actually spent some time and I looked up the laws on conflict of interest, and it's very clear that if an individual violates those conflict of interest laws, they are, or can be, charged with a civil crime and fined up to \$1,000. I believe yesterday Mr. Dubois clearly stated that he will not participate on any issue that pertains to his company, that he clearly stated that he would not participate on any issues that compared to competitors, and that, although he could not clearly state for various contractors that might be working for him because he had no case in front of him to do that, he certainly would evaluate that, and he made it very clear that if there was an appearance, he would have a conversation with the Assistant Attorney General. We are talking about an individual who has very special experience and who has come to us to say, "I will take the time to serve the State," for the measly \$55 a day that we give them, plus mileage.

So I'm asking you to support this nomination because I think it's the right person there, and if you start dealing with these conflicts, those of you who come back, be prepared to deal with the same conversation over other people that might be appointed. Thank you very much, Mr. President.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#494)**

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

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

EXCUSED: Senators: COLLINS, CUSHING

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being excused, and 15 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 **Mark P. Dubois** of Falmouth for appointment to the Board of Environmental Protection was **CONFIRMED**.

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

The Following Communication: S.C. 788

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES**

January 24, 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 Environment and Natural Resources has had under consideration the nomination of Susan M. Lessard of Belfast, for appointment to the Board of Environmental Protection.

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	Saviello of Franklin, Gratwick of Penobscot
	Representatives	10	Tucker of Brunswick, Campbell of Orrington, Duchesne of Hudson, Fay of Raymond, Harlow of Portland, Kinney of Limington, Martin of Eagle Lake, Pierce of Dresden, Strom of Pittsfield, Zeigler of Montville

NAYS 0  
ABSENT 1 Sen. Volk of Cumberland

Twelve 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 Susan M. Lessard of Belfast, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/Thomas B. Saviello  
Senate Chair

S/Ralph L. Tucker  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#495)**

YEAS: Senators: None

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, 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

EXCUSED: Senators: COLLINS, CUSHING

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 **Susan M. Lessard** of Belfast for appointment to the Board of Environmental Protection was **CONFIRMED**.

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

The Following Communication: S.C. 781

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

January 17, 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 Marine Resources has had under consideration the nomination of Matthew E. Moretti of Cape Elizabeth, for appointment to the Marine Resources Advisory Council.

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	Maker of Washington, Vitelli of Sagadahoc
	Representatives	8	Kumiega of Deer Isle, Alley of Beals, Blume of York, Devin of Newcastle, Hawke of Boothbay Harbor, Simmons of Waldoboro, Sutton of Warren, Tuell of East Machias
NAYS		0	
ABSENT		3	Sen. Brakey of Androscoggin, Rep. Battle of South Portland, Rep. Haggan of Hampden

Ten 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 Matthew E. Moretti of Cape Elizabeth, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Joyce A. Maker  
Senate Chair

S/Walter A. Kumiega  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Chair noted the absence of the Senator from Aroostook, Senator **CARPENTER**, and further excused the same Senator from today's Roll Call votes.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#496)**

YEAS: Senators: None

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARSON, CHENETTE, CHIPMAN, 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

EXCUSED: Senators: CARPENTER, COLLINS, CUSHING

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 **Matthew E. Moretti** of Cape Elizabeth for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 780

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

January 17, 2018



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

**ROLL CALL (#497)**

YEAS: Senators: None  
NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARSON, CHENETTE, CHIPMAN, 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

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 Marine Resources has had under consideration the nomination of Peter C. Mourmouras of Biddeford, for appointment to the Marine Resources Advisory Council.

EXCUSED: Senators: CARPENTER, COLLINS, CUSHING

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:

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 **Peter C. Mourmouras** of Biddeford for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

YEAS    Senators            2            Maker of Washington, Vitelli of Sagadahoc  
         Representatives    8            Kumiega of Deer Isle, Alley of Beals, Blume of York, Devin of Newcastle, Hawke of Boothbay Harbor, Simmons of Waldoboro, Sutton of Warren, Tuell of East Machias

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

NAYS                            0  
ABSENT                        3            Sen. Brakey of Androscoggin, Rep. Battle of South Portland, Rep. Haggan of Hampden

The Following Communication:    S.C. 782

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

Ten 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 Peter C. Mourmouras of Biddeford, for appointment to the Marine Resources Advisory Council be confirmed.

January 23, 2018

The Honorable Mike Thibodeau  
President of the Senate  
3 State House Station  
Augusta ME 04333

The Honorable Sara Gideon  
Speaker of the House of Representatives  
2 State House Station  
Augusta, ME 04333

Signed,

S/Joyce A. Maker                            S/Walter A. Kumiega  
Senate Chair                                    House Chair

Dear President Thibodeau and Speaker Gideon:

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

I thank you for the invitation to deliver the State of the State address at a Joint Session of the 128<sup>th</sup> Maine Legislature on Tuesday, February 13, 2018 at 7:00 p.m.

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

Please know that I accept your invitation and look forward to seeing you at that time.

The Doorkeepers secured the Chamber.

Sincerely,

The Secretary opened the vote.

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 783

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

January 23, 2018

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

Dear President Thibodeau:

This is to inform you that I am today nominating Julie A. Jordan of Baileyville for appointment to the Washington County Development Authority.

Pursuant to Title 5, MRSA §13083-C, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 784

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

January 23, 2018

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

Dear President Thibodeau:

This is to inform you that I am today nominating Ronald A. McAlpine of Crawford for appointment to the Washington County Development Authority.

Pursuant to Title 5, MRSA §13083-C, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 785

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

January 23, 2018

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

Dear President Thibodeau:

This is to inform you that I am today nominating Renee E. Gray of Addison for appointment to the Washington County Development Authority.

Pursuant to Title 5, MRSA §13083-C, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 786

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

January 23, 2018

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

Dear President Thibodeau:

This is to inform you that I am today nominating Lewis M. Pinkham of Milbridge for reappointment to the Washington County Development Authority.

Pursuant to Title 5, MRSA §13083-C, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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Off Record Remarks

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The Following Communication: S.C. 776

**MAINE PORT AUTHORITY  
16 STATE HOUSE STATION  
AUGUSTA, MAINE**

January 22, 2018

The Honorable Sara Gideon  
Speaker of the House  
State House Station  
Augusta, ME04333-0002

The Honorable Michael D. Thibodeau  
President of the Senate  
State House Station  
Augusta, ME04333-0003

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, the Maine Port Authority is pleased to submit the following report to the Legislature, due by February 1, 2018.

Please contact me if you have any questions or need additional information.

Sincerely,

S/Matthew Burns  
Interim Executive Director

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

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The Following Communication: S.C. 777

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

January 22, 2018

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

Dear President Thibodeau and Speaker Gideon:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 861 An Act To Provide Wage Parity for Certain State Law Enforcement Personnel
- L.D. 1146 Resolve, To Provide Wage Parity for Law Enforcement Officers in the Department of Corrections with Other Law Enforcement Officers
- L.D. 1183 An Act To Expand Use of Electronic Monitoring in Domestic Violence, Sexual Assault and Stalking Cases

This is notification of the Committee's action.

Sincerely,

S/Sen. Kimberley C. Rosen S/Rep. Charlotte May Warren  
Senate Chair House Chair

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

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The Following Communication: S.C. 778

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

January 19, 2018

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

Dear President Thibodeau and Speaker Gideon:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 1749 An Act To Shorten the Residency Requirements for In-state Tuition

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley  
Senate Chair

S/Rep. Tori P. Kornfield  
House Chair

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

The Following Communication: S.C. 779

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

January 16, 2018

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

Dear President Thibodeau and Speaker Gideon:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1451 An Act To Promote Biosecurity and Better  
Regulate the Importation, Possession and Use  
of Aquatic Species

This is notification of the Committee's action.

Sincerely,

S/Sen. Scott W. Cyrway  
Senate Chair

S/Rep. Robert S. Duchesne  
House Chair

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

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

Senate at Ease.

The Senate was called to order by the President.

**SENATE PAPERS**

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell, Lease or Convey the Interests of the State in Certain Real Property Located in Augusta, Bangor, Bucksport, Limestone, Brookton Township, Penobscot County Unorganized Territory and Rockwood Strip Township  
S.P. 673 L.D. 1804

Presented by Senator DAVIS of Piscataquis.  
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

On motion by Senator DAVIS of Piscataquis, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Maine Tax Laws"  
S.P. 676 L.D. 1805

Presented by Senator DOW of Lincoln.  
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

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

Sent down for concurrence.

Off Record Remarks

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

**ORDERS**

**Joint Resolution**

On motion by Senator VITELLI of Sagadahoc (Cosponsored by Senator: JACKSON of Aroostook), the following Joint Resolution:  
S.P. 674

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

**JOINT RESOLUTION  
RECOGNIZING JANUARY 26TH AS EITC AWARENESS DAY**

**WHEREAS**, in order to promote the federal and Maine state earned income tax credit, which enhances family household budgets, we recognize January 26, 2018 as EITC Awareness Day; and

**WHEREAS**, 4 of 5 people eligible for the credit claim it, which demonstrates the importance of raising awareness of this credit and urging individuals to find out if they qualify for it; and

**WHEREAS**, throughout the State, IRS-certified volunteer tax preparers who are members of CA\$H Maine and AARP Tax-Aide, a collaboration of 10 statewide coalitions including 50 nonprofit and for-profit partners, provide free federal and state tax preparation; and

**WHEREAS**, since 2003, CA\$H Maine has also educated hard-working families and individuals about programs in the community that can increase their income, reduce debt and build savings; and

**WHEREAS**, in 2017, these volunteers helped Maine residents save more than \$3,300,000 in tax filing fees and claim over \$4,700,000 in earned income tax credits, returning over \$20,500,000 to Maine residents in federal income tax refunds; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize January 26, 2018 as EITC Awareness Day; and be it further

**RESOLVED:** That we send our appreciation to all the volunteers who participate in EITC Awareness Day for the benefit of Maine citizens and we urge participation in this worthy cause.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you, Mr. President. Members of the Senate, today's EITC Awareness Day. I know the Resolution says that January 26<sup>th</sup> is EITC Awareness Day, but we're here today to celebrate that. It was organized by CA\$H Maine Coalition and CA\$H Maine is a statewide collaboration of over ten regional collaborations that involve over 50 non-profit and for-profit partners who work together to empower Maine individuals and families to achieve long-term financial stability. They are here with us today. They've been organizing for 15 years to provide this free tax preparation service throughout the state. There are coalitions in Aroostook, Greater CA\$H Portland, Capitol Area, Central Maine CA\$H, Eastern Maine CA\$H, Lewiston/Auburn CA\$H, Mid-Coast Maine CA\$H, Wabanaki CA\$H, Western Maine CA\$H, and York County CA\$H. They serve the state and bring people in to have free tax preparations in all those locations. They're getting ready right now. We have volunteers putting in countless hours in order to provide this service to Maine citizens. I urge you to spend some time today down in the Hall of Flags, where you will find information that's pertinent to your county and to your communities, and also hope to enlist you in helping to get the word out. There are still over 20% of Maine citizens who are not aware of the Earned Income Tax Credit and these free tax preparation services that are available to them and we would like to enlist all of your help in spreading that word out to your constituencies. So thank you very much and please take some time to go find out about CA\$H Maine.

**ADOPTED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber members and volunteers of the Maine CA\$H Coalition. They are from all across our state and they are the guests today of the Senator from Sagadahoc, Senator Vitelli. Would they please rise and accept the greetings of the State Senate.

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## REPORTS OF COMMITTEES

### House

#### Pursuant to Statute

The Committee on **TAXATION** on Bill "An Act To Improve the Effectiveness of the New Markets Capital Investment Credit"  
H.P. 1240 L.D. 1796

Reported that the same be **REFERRED** to the Committee on **TAXATION**, pursuant to the Maine Revised Statutes, Title 3, section 999, subsection 4.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION**.

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

Bill and accompanying papers **REFERRED** to the Committee on **TAXATION**, in concurrence.

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### Ought to Pass

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, Urban Impaired Streams, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)  
H.P. 1162 L.D. 1674

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

Resolve **READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding the Information Required of Debt Buyers for Debt Collection"

H.P. 1165 L.D. 1677

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

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

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

Bill **READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

The Committee on **MARINE RESOURCES** on Bill "An Act To Amend Maine's Marine Resources Laws Regarding Certain License Fees and Surcharges That Were Amended by Recently Enacted Legislation"

H.P. 1144 L.D. 1659

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

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

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

Bill **READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

**Ought to Pass As Amended**

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Governing Temporary Sign Usage"

H.P. 165 L.D. 209

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-573)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-573)**.

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

Bill **READ ONCE**.

Committee Amendment "B" (H-573) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

**SECOND READERS**

The Committee on **Bills in the Second Reading** reported the following:

**Senate**

Bill "An Act To Improve the Regulation of Debt Collectors"  
S.P. 613 L.D. 1663

Resolve, To Designate a Bridge in Surry the Old Surry Schoolhouse Bridge  
S.P. 626 L.D. 1727

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith 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**, pursuant to the Joint Order, until Tuesday, January 30, 2018 at 10:00 in the morning.